

**As Reported by the House Finance and Appropriations  
Committee**

**127th General Assembly  
Regular Session  
2007-2008**

**Sub. H. B. No. 119**

**Representative Dolan**

**Cosponsors: Representatives Peterson, McGregor, R., Hottinger, Bacon,  
Evans, Hite, Budish, Strahorn, Yates, Chandler, Stewart, D., Boyd, Hagan, R.,  
Skindell, Brown, Bolon**

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(3702.59), 5111.95 (5111.033), 5111.96 (5111.034), 87  
and 5126.057 (5126.0511); to enact new sections 88  
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amend Section 310.10 of Am. Sub. H.B. 67 of the 115  
127th General Assembly; to amend Section 252.70 of 116  
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to amend Section 153 of Am. Sub. H.B. 117 of the 118  
121st General Assembly, as subsequently amended, 119

to amend the version of section 127.16 of the Revised Code that is scheduled to take effect July 1, 2007, and to repeal the version of section 3702.68 of the Revised Code that was to have taken effect July 1, 2007, to make operating appropriations for the biennium beginning July 1, 2007, and ending June 30, 2009, and to provide authorization and conditions for the operation of state programs; to confirm and order implementation of sections 9.833, 9.90, 3311.19, 3313.12, 3313.202, 3313.33, 4117.03, and 4117.08 and to confirm and order complete implementation of section 9.901 of the Revised Code as the sections result from Am. Sub. H.B. 66 of the 126th General Assembly; to repeal Section 611.03 of Am. Sub. H.B. 66 of the 126th General Assembly; and to amend sections 9.90, 9.901, 3313.202, 3313.33, and 4117.03 of the Revised Code to make other specifications pertaining to that implementation as have become necessary; and to terminate operation of section 5101.213 of the Revised Code on July 1, 2008, by repealing the section on that date.

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

**Section 101.01.** That sections 9.821, 9.822, 9.823, 9.83, 107.12, 107.40, 109.57, 109.572, 109.93, 111.18, 118.01, 118.08, 118.17, 118.20, 118.23, 119.07, 120.33, 122.17, 122.171, 122.602, 124.152, 125.45, 125.93, 125.96, 125.97, 125.98, 126.07, 126.08, 126.16, 126.21, 126.22, 127.14, 127.16, 131.44, 133.01, 133.10, 133.25, 135.35, 135.352, 151.08, 151.40, 152.31, 156.02, 164.03, 164.05, 164.051, 164.08, 164.09, 166.08, 173.04, 173.35, 173.85,

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6111.04, 6111.44, 6121.04, 6121.043, and 6131.23 be amended; 201  
sections 1521.20 (1506.38), 1521.21 (1506.39), 1521.22 (1506.40), 202  
1521.23 (1506.41), 1521.24 (1506.42), 1521.25 (1506.43), 1521.26 203  
(1506.44), 1521.27 (1506.45), 1521.28 (1506.46), 1521.29 204  
(1506.47), 1521.30 (1506.48), 3702.63 (3702.591), 3702.68 205  
(3702.59), 5111.95 (5111.033), 5111.96 (5111.034), and 5126.057 206  
(5126.0511) be amended for the purpose of adopting new section 207  
numbers as indicated in parentheses; and new sections 3318.47 and 208  
5123.16 and sections 122.051, 122.071, 122.076, 122.174, 126.04, 209  
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5739.213, 5747.77, 5748.022, 5907.16, and 6111.0381 of the Revised 223  
Code be enacted to read as follows: 224

**Sec. 9.821.** (A) The department of administrative services 225  
shall direct and manage for state agencies all risk management and 226  
insurance programs authorized under section 9.822 of the Revised 227  
Code. 228

(B) The office of risk management is hereby established 229  
within the department of administrative services. The director of 230  
administrative services, or a deputy director appointed by the 231  
director, shall control and supervise the office. 232

(C) The office may take any of the following actions that it 233  
determines to be in the best interests of the state: 234

(1) Provide all insurance coverages for the state, including, 235  
but not limited to, automobile liability, casualty, property, 236  
public liability, and, ~~except as provided in division (C)(6) of~~ 237  
~~this section, fidelity bond insurance bonding.~~ The cost of 238  
insurance coverage shall be paid from appropriations made to the 239  
state agencies that the office has designated to receive the 240  
coverage. 241

(2) Provide coverage of legal expenses that are necessary and 242  
related to the legal defense of claims against the state; 243

(3) Purchase insurance policies consistent with sections 244  
125.01 to 125.111 of the Revised Code, develop and administer 245

self-insurance programs, or do both;	246
(4) Consolidate and combine state insurance coverages;	247
(5) Provide technical services in risk management and insurance to state agencies;	248 249
<del>(6)(a) Establish and administer a self-insured fidelity bond program for a particular class or subclass of state officer, employee, or agent, if, prior to the establishment and administration of this program, the director does both of the following:</del>	250 251 252 253 254
<del>(i) Holds a hearing in accordance with Chapter 119. of the Revised Code to determine whether fidelity bond insurance for that particular class or subclass of state officer, employee, or agent is available in the voluntary market;</del>	255 256 257 258
<del>(ii) If, as a result of that hearing, the director determines that fidelity bond insurance for a particular class or subclass of state officer, employee, or agent is unavailable in the voluntary market and that the absence of this insurance threatens the operation of state government and will be detrimental to the general welfare of the citizens of this state, adopts rules in accordance with Chapter 119. of the Revised Code to establish standards and procedures governing the establishment, administration, and termination of the fidelity bond program for that particular class or subclass of state officer, employee, or agent.</del>	259 260 261 262 263 264 265 266 267 268 269
<del>(b) Division (C)(6)(a) of this section does not apply to any self-insured blanket fidelity bond program that, on September 20, 1993, has been established pursuant to section 9.831 of the Revised Code.</del>	270 271 272 273
<del>(7) Except as provided in division (C)(6) of this section, adopt <u>Adopt</u> and publish, in accordance with section 111.15 of the Revised Code, necessary rules and procedures governing the</del>	274 275 276

administration of the state's insurance and risk management 277  
activities. 278

(D) No state agency, except a state agency exempted under 279  
section 125.02 or 125.04 of the Revised Code from the department's 280  
purchasing authority, shall purchase any insurance described in 281  
this section except as authorized by the department, when the 282  
office of risk management determines that the purchase is in the 283  
best interest of the state pursuant to division (C)(1) of this 284  
section, and in accordance with terms, conditions, and procurement 285  
methods established by the department. 286

(E) With respect to any civil action, demand, or claim 287  
against the state that could be filed in the court of claims, 288  
nothing in sections 9.82 to 9.823 of the Revised Code shall be 289  
interpreted to permit the settlement or compromise of those civil 290  
actions, demands, or claims, except in the manner provided in 291  
Chapter 2743. of the Revised Code. 292

**Sec. 9.822.** (A) The department of administrative services 293  
through the office of risk management shall establish an insurance 294  
plan or plans that may provide for self-insurance or the purchase 295  
of insurance, or both, for ~~any~~ either of the following purposes: 296

(1) Insuring state real and personal property against losses 297  
occasioned by fire, windstorm, or other accidents and perils; 298

(2) Insuring the state and its officers and employees against 299  
liability resulting from any civil action, demand, or claim 300  
against the state or its officers and employees arising out of any 301  
act or omission of an officer or employee in the performance of 302  
official duties, except acts and omissions for which 303  
indemnification is prohibited under section 9.87 of the Revised 304  
Code. 305

~~(3) Insuring~~ (B) The department of administrative services 306

through the office of risk management shall establish one or more 307  
insurance plans that provide for the purchase of insurance for the 308  
purpose of insuring the state through the fidelity bonding of 309  
state officers, employees, and agents who are required by law to 310  
provide a fidelity bond. Nothing in this section shall be 311  
construed to allow the department of administrative services 312  
through the office of risk management to administer the state's 313  
fidelity bonding program through a program of self-insurance. 314

~~(B)(1) Prior to the establishment of any self-insured~~ 315  
~~fidelity bond program for a particular class or subclass of state~~ 316  
~~officer, employee, or agent authorized pursuant to division (A)(3)~~ 317  
~~of this section, the director of administrative services shall~~ 318  
~~follow the procedures for holding a hearing and adopting rules set~~ 319  
~~forth in division (C)(6)(a) of section 9.821 of the Revised Code.~~ 320

~~(2) Division (B)(1) of this section does not apply to any~~ 321  
~~self-insured blanket fidelity bond program that, on September 20,~~ 322  
~~1993, has been established pursuant to section 9.831 of the~~ 323  
~~Revised Code.~~ 324

~~(3) The director shall prepare annually a written report~~ 325  
~~detailing any self-insured fidelity bond program established~~ 326  
~~pursuant to division (A)(3) of this section. The report shall~~ 327  
~~include, but is not limited to, information relating to premiums~~ 328  
~~collected, income from recovery, loss experience, and~~ 329  
~~administrative costs of the program. A copy of the report,~~ 330  
~~together with a copy of those portions of the most recent reports~~ 331  
~~submitted under division (D) of section 9.823 of the Revised Code~~ 332  
~~that pertain to any such self-insured fidelity bond program, shall~~ 333  
~~be submitted to the speaker of the house of representatives and~~ 334  
~~the president of the senate by the last day of March of each year.~~ 335

**Sec. 9.823.** (A) All contributions collected by the director 336  
of administrative services under division (E) of this section 337

shall be deposited into the state treasury to the credit of the 338  
risk management reserve fund, which is hereby created. The fund 339  
shall be used to provide insurance and self-insurance for the 340  
state under ~~section~~ sections 9.822 and 9.83 of the Revised Code. 341  
All investment earnings of the fund shall be credited to it. 342

(B) The director, through the office of risk management, 343  
shall operate the risk management reserve fund on an actuarially 344  
sound basis. 345

(C) Reserves shall be maintained in the risk management 346  
reserve fund in any amount that is necessary and adequate, in the 347  
exercise of sound and prudent actuarial judgment, to cover 348  
potential liability claims, expenses, fees, or damages. Money in 349  
the fund may be applied to the payment of liability claims that 350  
are filed against the state in the court of claims and determined 351  
in the manner provided for under Chapter 2743. of the Revised 352  
Code. The director may procure the services of a qualified 353  
actuarial firm for the purpose of recommending the specific amount 354  
of money that would be required to maintain adequate reserves for 355  
a given period of time. 356

(D) A report of the amounts reserved and disbursements made 357  
from the reserves, together with a written report of a competent 358  
property and casualty actuary, shall be submitted, on or before 359  
the last day of March for the preceding calendar year, to the 360  
speaker of the house of representatives and the president of the 361  
senate. The actuary shall certify the adequacy of the rates of 362  
contributions, the sufficiency of excess insurance, and whether 363  
the amounts reserved conform to the requirements of this section, 364  
are computed in accordance with accepted loss reserving standards, 365  
and are fairly stated in accordance with sound loss reserving 366  
principles. The report shall include disbursements made for the 367  
administration of the fund, including claims paid, cost of legal 368  
representation of state agencies and employees, and fees paid to 369

consultants. 370

(E) The director shall collect from each state agency or any 371  
participating state body its contribution to the risk management 372  
reserve fund for the purpose of purchasing insurance or 373  
administering self-insurance programs for coverages authorized 374  
under ~~section~~ sections 9.822 and 9.83 of the Revised Code. The 375  
contribution shall be determined by the director, with the 376  
approval of the director of budget and management, and shall be 377  
based upon actuarial assumptions and the relative risk and loss 378  
experience of each state agency or participating state body. The 379  
contribution shall further include a reasonable sum to cover the 380  
department's administrative costs. 381

**Sec. 9.83.** (A) The state and any political subdivision may 382  
procure a policy or policies of insurance insuring its officers 383  
and employees against liability for injury, death, or loss to 384  
person or property that arises out of the operation of an 385  
automobile, truck, motor vehicle with auxiliary equipment, 386  
self-propelling equipment or trailer, aircraft, or watercraft by 387  
the officers or employees while engaged in the course of their 388  
employment or official responsibilities for the state or the 389  
political subdivision. The state is authorized to expend funds to 390  
pay judgments that are rendered in any court against its officers 391  
or employees and that result from such operation, and is 392  
authorized to expend funds to compromise claims for liability 393  
against its officers or employees that result from such operation. 394  
No insurer shall deny coverage under such a policy, and the state 395  
shall not refuse to pay judgments or compromise claims, on the 396  
ground that an automobile, truck, motor vehicle with auxiliary 397  
equipment, self-propelling equipment or trailer, aircraft, or 398  
watercraft was not being used in the course of an officer's or 399  
employee's employment or official responsibilities for the state 400  
or a political subdivision unless the officer or employee who was 401

operating an automobile, truck, motor vehicle with auxiliary 402  
equipment, or self-propelling equipment or trailer is convicted of 403  
a violation of section 124.71 of the Revised Code as a result of 404  
the same events. 405

(B) Funds shall be reserved as necessary, in the exercise of 406  
sound and prudent actuarial judgment, to cover potential expense, 407  
fees, damage, loss, or other liability. The ~~superintendent of~~ 408  
~~insurance~~ office of risk management may recommend or, if the state 409  
requests of the ~~superintendent~~ office of risk management, shall 410  
recommend, a specific amount for any period of time that, in the 411  
~~superintendent's~~ opinion of the office of risk management, 412  
represents such a judgment. 413

(C) Nothing in this section shall be construed to require the 414  
department of administrative services to purchase liability 415  
insurance for all state vehicles in a single policy of insurance 416  
or to cover all state vehicles under a single plan of 417  
self-insurance. 418

(D) Insurance procured by the state pursuant to this section 419  
shall be procured as provided in section 125.03 of the Revised 420  
Code. 421

(E) For purposes of liability insurance procured under this 422  
section to cover the operation of a motor vehicle by a prisoner 423  
for whom the insurance is procured, "employee" includes a prisoner 424  
in the custody of the department of rehabilitation and correction 425  
who is enrolled in a work program that is established by the 426  
department pursuant to section 5145.16 of the Revised Code and in 427  
which the prisoner is required to operate a motor vehicle, as 428  
defined in section 4509.01 of the Revised Code, and who is engaged 429  
in the operation of a motor vehicle in the course of the work 430  
program. 431

(F) ~~There is hereby created in the state treasury the vehicle~~ 432

~~liability fund.~~ All contributions collected by the director of 433  
administrative services under division (I) of this section shall 434  
be deposited into the ~~fund.~~ ~~The fund shall be used to provide~~ 435  
~~insurance and self insurance for the state under this section.~~ All 436  
~~investment earnings of the fund shall be credited to it~~ risk 437  
management reserve fund created in section 9.823 of the Revised 438  
Code to the credit of the vehicle liability program. 439

~~(G) The director of administrative services, through the~~ 440  
~~office of risk management, shall operate the vehicle liability~~ 441  
~~fund on an actuarially sound basis.~~ 442

~~(H)~~ Reserves shall be maintained in the ~~vehicle liability~~ 443  
risk management reserve fund to the credit of the vehicle 444  
liability program in any amount that is necessary and adequate, in 445  
the exercise of sound and prudent actuarial judgment, to cover 446  
potential liability claims, expenses, fees, or damages. Money in 447  
the fund may be applied to the payment of liability claims that 448  
are filed against the state in the court of claims and determined 449  
in the manner provided in Chapter 2743. of the Revised Code. The 450  
director of administrative services may procure the services of a 451  
qualified actuarial firm for the purpose of recommending the 452  
specific amount of money that is required to maintain adequate 453  
reserves for a specified period of time. 454

~~(I)~~(H) The director of administrative services shall collect 455  
from each state agency or any participating state body its 456  
contribution to the vehicle liability ~~fund~~ program for the purpose 457  
of purchasing insurance or administering self-insurance programs 458  
for coverage authorized under this section. The amount of the 459  
contribution shall be determined by the director, with the 460  
approval of the director of budget and management. It shall be 461  
based upon actuarial assumptions and the relative risk and loss 462  
experience of each state agency or participating state body. The 463  
amount of the contribution also shall include a reasonable sum to 464

cover administrative costs of the department of administrative 465  
services. The amounts collected pursuant to this division shall be 466  
deposited in the risk management reserve fund to the credit of the 467  
vehicle liability program. 468

**Sec. 107.12.** (A) As used in this section, "organization" 469  
means a faith-based or other organization that is exempt from 470  
federal income taxation under section 501(c)(3) of the Internal 471  
Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and 472  
provides charitable services to needy residents of this state. 473

(B) There is hereby established within the office of the 474  
governor the governor's office of faith-based and community 475  
initiatives. The office shall: 476

(1) Serve as a clearinghouse of information on federal, 477  
state, and local funding for charitable services performed by 478  
organizations; 479

(2) Encourage organizations to seek public funding for their 480  
charitable services; 481

(3) Act as a liaison between state agencies and 482  
organizations; 483

(4) Advise the governor, general assembly, and the advisory 484  
board of the governor's office of faith-based community 485  
initiatives on the barriers that exist to collaboration between 486  
organizations and governmental entities and on ways to remove the 487  
barriers. 488

(C) The governor shall appoint an executive assistant to 489  
manage the office and perform or oversee the performance of the 490  
duties of the office. 491

(D)(1) There is hereby created the advisory board of the 492  
governor's office of faith-based and community initiatives. The 493  
board shall consist of members appointed as follows: 494

(a) The directors of aging, alcohol and drug addiction 495  
services, rehabilitation and correction, health, job and family 496  
services, mental health, and youth services shall each appoint to 497  
the board one employee of that director's department. 498

(b) The speaker of the house of representatives shall appoint 499  
to the board two members of the house of representatives, not more 500  
than one of whom shall be from the same political party and at 501  
least one of whom shall be from the legislative black caucus. The 502  
speaker of the house of representatives shall consult with the 503  
president of the legislative black caucus in making the 504  
legislative black caucus member appointment. The president of the 505  
senate shall appoint to the board two members of the senate, not 506  
more than one of whom shall be from the same political party. 507

(c) The governor, speaker of the house of representatives, 508  
and president of the senate shall each appoint to the board three 509  
representatives of the nonprofit, faith-based and other nonprofit 510  
community. 511

~~(2) The appointments to the board shall be made within thirty 512~~  
~~days after the effective date of this section. Terms of the office 513~~  
shall be one year. Any vacancy that occurs on the board shall be 514  
filled in the same manner as the original appointment. The members 515  
of the board shall serve without compensation. 516

(3) At its initial meeting, the board shall elect a 517  
chairperson. The chairperson shall be a member of the board who is 518  
a member of the house of representatives. 519

(E) The board shall do both of the following: 520

(1) Provide direction, guidance, and oversight to the office; 521

(2) Publish a report of its activities on or before the first 522  
day of August of each year, and deliver copies of the report to 523  
the governor, the speaker and minority leader of the house of 524  
representatives, and the president and minority leader of the 525

senate. 526

(F) No member of the board or organization that the member is 527  
affiliated or involved with is eligible to receive any grant that 528  
the office administers or assists in administering. 529

**Sec. 107.40.** (A) There is hereby created the governor's 530  
residence advisory commission. The commission shall provide for 531  
the preservation, restoration, acquisition, and conservation of 532  
all decorations, objects of art, chandeliers, china, silver, 533  
statues, paintings, furnishings, accouterments, and other 534  
aesthetic materials that have been acquired, donated, loaned, or 535  
otherwise obtained by the state for the governor's residence and 536  
that have been approved by the commission. In addition, the 537  
commission shall provide for the maintenance of plants that have 538  
been acquired, donated, loaned, or otherwise obtained by the state 539  
for the governor's residence and that have been approved by the 540  
commission. 541

(B) The commission shall be responsible for the care, 542  
provision, repair, and placement of furnishings and other objects 543  
and accessories of the grounds and public areas of the first story 544  
of the governor's residence and for the care and placement of 545  
plants on the grounds. In exercising this responsibility, the 546  
commission shall preserve and seek to further establish all of the 547  
following: 548

(1) The authentic ambiance and decor of the historic era 549  
during which the governor's residence was constructed; 550

(2) The grounds as a representation of Ohio's natural 551  
ecosystems; 552

(3) The heritage garden for all of the following purposes: 553

(a) To preserve, sustain, and encourage the use of native 554  
flora throughout the state; 555

(b) To replicate the state's physiographic regions, plant communities, and natural landscapes; 556  
557

(c) To serve as an educational garden that demonstrates the artistic, industrial, political, horticultural, and geologic history of the state through the use of plants; 558  
559  
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(d) To serve as a reservoir of rare species of plants from the physiographic regions of the state. 561  
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These duties shall not affect the obligation of the department of administrative services to provide for ~~the~~ and adopt policies and procedures regarding the use, general maintenance, and operating expenses of the governor's residence. 563  
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(C) The commission shall consist of eleven members. One member shall be the director of administrative services or the director's designee, who shall serve during the director's term of office and shall serve as chairperson. One member shall be the director of the Ohio historical society or the director's designee, who shall serve during the director's term of office and shall serve as vice-chairperson. One member shall represent the Columbus landmarks foundation. One member shall represent the Bexley historical society. One member shall be the mayor of the city of Bexley, who shall serve during the mayor's term of office. One member shall be the chief executive officer of the Franklin park conservatory joint recreation district, who shall serve during the term of employment as chief executive officer. The remaining five members shall be appointed by the governor with the advice and consent of the senate. The five members appointed by the governor shall be persons with knowledge of Ohio history, architecture, decorative arts, or historic preservation, and one of those members shall have knowledge of landscape architecture, garden design, horticulture, and plants native to this state. 567  
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(D) Of the initial appointees, the representative of the 586

Columbus landmarks foundation shall serve for a term expiring 587  
December 31, 1996, and the representative of the Bexley historical 588  
society shall serve for a term expiring December 31, 1997. Of the 589  
five members appointed by the governor, three shall serve for 590  
terms ending December 31, 1998, and two shall serve for terms 591  
ending December 31, 1999. Thereafter, each term shall be for four 592  
years, commencing on the first day of January and ending on the 593  
last day of December. The member having knowledge of landscape 594  
architecture, garden design, horticulture, and plants native to 595  
this state initially shall be appointed upon the first vacancy on 596  
the commission occurring on or after June 30, 2006. 597

Each member shall hold office from the date of the member's 598  
appointment until the end of the term for which the member was 599  
appointed. Any member appointed to fill a vacancy occurring prior 600  
to the end of the term for which the member's predecessor was 601  
appointed shall hold office for the remainder of the term. Any 602  
member shall continue in office subsequent to the expiration of 603  
the term until the member's successor takes office. 604

(E) Six members of the commission constitute a quorum, and 605  
the affirmative vote of six members is required for approval of 606  
any action by the commission. 607

(F) After each initial member of the commission has been 608  
appointed, the commission shall meet and select one member as 609  
secretary and another as treasurer. Organizational meetings of the 610  
commission shall be held at the time and place designated by call 611  
of the chairperson. Meetings of the commission may be held 612  
anywhere in the state and shall be in compliance with Chapters 613  
121. and 149. of the Revised Code. The commission may adopt, 614  
pursuant to section 111.15 of the Revised Code, rules necessary to 615  
carry out the purposes of this section. 616

(G) Members of the commission shall serve without 617  
remuneration, but shall be compensated for actual and necessary 618

expenses incurred in the performance of their official duties. 619

(H) All expenses incurred in carrying out this section are 620  
payable solely from money accrued under this section or 621  
appropriated for these purposes by the general assembly, and the 622  
commission shall incur no liability or obligation beyond such 623  
money. 624

(I) ~~The~~ Except as otherwise provided in this division, the 625  
commission may accept any payment for the use of the governor's 626  
residence or may accept any donation, gift, bequest, or devise for 627  
the governor's residence or as an endowment for the maintenance 628  
and care of the garden on the grounds of the governor's residence 629  
in furtherance of its duties. The commission shall not accept any 630  
donation, gift, bequest, or devise from a person, individual, or 631  
member of an individual's immediate family if the person or 632  
individual is receiving payments under a contract with the state 633  
or a state agency for the purchase of supplies, services, or 634  
equipment or for the construction, reconstruction, improvement, 635  
enlargement, alteration, repair, painting, or decoration of a 636  
public improvement, except for payments received under an 637  
employment contract or a collective bargaining agreement. Any 638  
revenue received by the commission shall be deposited into the 639  
governor's residence fund, which is hereby established in the 640  
state treasury, for use by the commission in accordance with the 641  
performance of its duties. All investment earnings of the fund 642  
shall be credited to the fund. Title to all property acquired by 643  
the commission shall be taken in the name of the state and shall 644  
be held for the use and benefit of the commission. 645

(J) Nothing in this section limits the ability of a person or 646  
other entity to purchase decorations, objects of art, chandeliers, 647  
china, silver, statues, paintings, furnishings, accouterments, 648  
plants, or other aesthetic materials for placement in the 649  
governor's residence or on the grounds of the governor's residence 650

or donation to the commission. No such object or plant, however, 651  
shall be placed on the grounds or public areas of the first story 652  
of the governor's residence without the consent of the commission. 653

(K) The heritage garden established under this section shall 654  
be officially known as "the heritage garden at the Ohio governor's 655  
residence." 656

(L) As used in this section, "heritage garden" means the 657  
botanical garden of native plants established at the governor's 658  
residence. 659

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 660  
criminal identification and investigation shall procure from 661  
wherever procurable and file for record photographs, pictures, 662  
descriptions, fingerprints, measurements, and other information 663  
that may be pertinent of all persons who have been convicted of 664  
committing within this state a felony, any crime constituting a 665  
misdemeanor on the first offense and a felony on subsequent 666  
offenses, or any misdemeanor described in division (A)(1)(a) or 667  
(A)(10)(a) of section 109.572 of the Revised Code, of all children 668  
under eighteen years of age who have been adjudicated delinquent 669  
children for committing within this state an act that would be a 670  
felony or an offense of violence if committed by an adult or who 671  
have been convicted of or pleaded guilty to committing within this 672  
state a felony or an offense of violence, and of all well-known 673  
and habitual criminals. The person in charge of any county, 674  
multicounty, municipal, municipal-county, or multicounty-municipal 675  
jail or workhouse, community-based correctional facility, halfway 676  
house, alternative residential facility, or state correctional 677  
institution and the person in charge of any state institution 678  
having custody of a person suspected of having committed a felony, 679  
any crime constituting a misdemeanor on the first offense and a 680  
felony on subsequent offenses, or any misdemeanor described in 681

division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code or having custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been 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, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an offense of violence, and is not a child with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall not be procured by the superintendent or furnished by any person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code, or involving an adjudication in a case in which a child under eighteen years of age was alleged to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by

an adult. The clerk of the court of common pleas shall include in 715  
the report and summary the clerk sends under this division all 716  
information described in divisions (A)(2)(a) to (f) of this 717  
section regarding a case before the court of appeals that is 718  
served by that clerk. The summary shall be written on the standard 719  
forms furnished by the superintendent pursuant to division (B) of 720  
this section and shall include the following information: 721

(a) The incident tracking number contained on the standard 722  
forms furnished by the superintendent pursuant to division (B) of 723  
this section; 724

(b) The style and number of the case; 725

(c) The date of arrest; 726

(d) The date that the person was convicted of or pleaded 727  
guilty to the offense, adjudicated a delinquent child for 728  
committing the act that would be a felony or an offense of 729  
violence if committed by an adult, found not guilty of the 730  
offense, or found not to be a delinquent child for committing an 731  
act that would be a felony or an offense of violence if committed 732  
by an adult, the date of an entry dismissing the charge, an entry 733  
declaring a mistrial of the offense in which the person is 734  
discharged, an entry finding that the person or child is not 735  
competent to stand trial, or an entry of a nolle prosequi, or the 736  
date of any other determination that constitutes final resolution 737  
of the case; 738

(e) A statement of the original charge with the section of 739  
the Revised Code that was alleged to be violated; 740

(f) If the person or child was convicted, pleaded guilty, or 741  
was adjudicated a delinquent child, the sentence or terms of 742  
probation imposed or any other disposition of the offender or the 743  
delinquent child. 744

If the offense involved the disarming of a law enforcement 745

officer or an attempt to disarm a law enforcement officer, the 746  
clerk shall clearly state that fact in the summary, and the 747  
superintendent shall ensure that a clear statement of that fact is 748  
placed in the bureau's records. 749

(3) The superintendent shall cooperate with and assist 750  
sheriffs, chiefs of police, and other law enforcement officers in 751  
the establishment of a complete system of criminal identification 752  
and in obtaining fingerprints and other means of identification of 753  
all persons arrested on a charge of a felony, any crime 754  
constituting a misdemeanor on the first offense and a felony on 755  
subsequent offenses, or a misdemeanor described in division 756  
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and 757  
of all children under eighteen years of age arrested or otherwise 758  
taken into custody for committing an act that would be a felony or 759  
an offense of violence if committed by an adult. The 760  
superintendent also shall file for record the fingerprint 761  
impressions of all persons confined in a county, multicounty, 762  
municipal, municipal-county, or multicounty-municipal jail or 763  
workhouse, community-based correctional facility, halfway house, 764  
alternative residential facility, or state correctional 765  
institution for the violation of state laws and of all children 766  
under eighteen years of age who are confined in a county, 767  
multicounty, municipal, municipal-county, or multicounty-municipal 768  
jail or workhouse, community-based correctional facility, halfway 769  
house, alternative residential facility, or state correctional 770  
institution or in any facility for delinquent children for 771  
committing an act that would be a felony or an offense of violence 772  
if committed by an adult, and any other information that the 773  
superintendent may receive from law enforcement officials of the 774  
state and its political subdivisions. 775

(4) The superintendent shall carry out Chapter 2950. of the 776  
Revised Code with respect to the registration of persons who are 777

convicted of or plead guilty to either a sexually oriented offense 778  
that is not a registration-exempt sexually oriented offense or a 779  
child-victim oriented offense and with respect to all other duties 780  
imposed on the bureau under that chapter. 781

(5) The bureau shall perform centralized recordkeeping 782  
functions for criminal history records and services in this state 783  
for purposes of the national crime prevention and privacy compact 784  
set forth in section 109.571 of the Revised Code and is the 785  
criminal history record repository as defined in that section for 786  
purposes of that compact. The superintendent or the 787  
superintendent's designee is the compact officer for purposes of 788  
that compact and shall carry out the responsibilities of the 789  
compact officer specified in that compact. 790

(B) The superintendent shall prepare and furnish to every 791  
county, multicounty, municipal, municipal-county, or 792  
multicounty-municipal jail or workhouse, community-based 793  
correctional facility, halfway house, alternative residential 794  
facility, or state correctional institution and to every clerk of 795  
a court in this state specified in division (A)(2) of this section 796  
standard forms for reporting the information required under 797  
division (A) of this section. The standard forms that the 798  
superintendent prepares pursuant to this division may be in a 799  
tangible format, in an electronic format, or in both tangible 800  
formats and electronic formats. 801

(C) The superintendent may operate a center for electronic, 802  
automated, or other data processing for the storage and retrieval 803  
of information, data, and statistics pertaining to criminals and 804  
to children under eighteen years of age who are adjudicated 805  
delinquent children for committing an act that would be a felony 806  
or an offense of violence if committed by an adult, criminal 807  
activity, crime prevention, law enforcement, and criminal justice, 808  
and may establish and operate a statewide communications network 809

to gather and disseminate information, data, and statistics for 810  
the use of law enforcement agencies. The superintendent may 811  
gather, store, retrieve, and disseminate information, data, and 812  
statistics that pertain to children who are under eighteen years 813  
of age and that are gathered pursuant to sections 109.57 to 109.61 814  
of the Revised Code together with information, data, and 815  
statistics that pertain to adults and that are gathered pursuant 816  
to those sections. In addition to any other authorized use of 817  
information, data, and statistics of that nature, the 818  
superintendent or the superintendent's designee may provide and 819  
exchange the information, data, and statistics pursuant to the 820  
national crime prevention and privacy compact as described in 821  
division (A)(5) of this section. 822

(D) The information and materials furnished to the 823  
superintendent pursuant to division (A) of this section and 824  
information and materials furnished to any board or person under 825  
division (F) or (G) of this section are not public records under 826  
section 149.43 of the Revised Code. 827

(E) The attorney general shall adopt rules, in accordance 828  
with Chapter 119. of the Revised Code, setting forth the procedure 829  
by which a person may receive or release information gathered by 830  
the superintendent pursuant to division (A) of this section. A 831  
reasonable fee may be charged for this service. If a temporary 832  
employment service submits a request for a determination of 833  
whether a person the service plans to refer to an employment 834  
position has been convicted of or pleaded guilty to an offense 835  
listed in division (A)(1), (3), (4), (5), or (6) of section 836  
109.572 of the Revised Code, the request shall be treated as a 837  
single request and only one fee shall be charged. 838

(F)(1) As used in division (F)(2) of this section, "head 839  
start agency" means an entity in this state that has been approved 840  
to be an agency for purposes of subchapter II of the "Community 841

Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 842  
as amended. 843

(2)(a) In addition to or in conjunction with any request that 844  
is required to be made under section 109.572, 2151.86, 3301.32, or 845  
3301.541, division (C) of section 3310.58, or section 3319.39, 846  
3701.881, 5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 847  
5153.111 of the Revised Code, the board of education of any school 848  
district; the director of mental retardation and developmental 849  
disabilities; any county board of mental retardation and 850  
developmental disabilities; any entity under contract with a 851  
county board of mental retardation and developmental disabilities; 852  
the chief administrator of any chartered nonpublic school; the 853  
chief administrator of a registered private provider that is not 854  
also a chartered nonpublic school; the chief administrator of any 855  
home health agency; the chief administrator of or person operating 856  
any child day-care center, type A family day-care home, or type B 857  
family day-care home licensed or certified under Chapter 5104. of 858  
the Revised Code; the administrator of any type C family day-care 859  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 860  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 861  
general assembly; the chief administrator of any head start 862  
agency; or the executive director of a public children services 863  
agency may request that the superintendent of the bureau 864  
investigate and determine, with respect to any individual who has 865  
applied for employment in any position after October 2, 1989, or 866  
any individual wishing to apply for employment with a board of 867  
education may request, with regard to the individual, whether the 868  
bureau has any information gathered under division (A) of this 869  
section that pertains to that individual. On receipt of the 870  
request, the superintendent shall determine whether that 871  
information exists and, upon request of the person, board, or 872  
entity requesting information, also shall request from the federal 873  
bureau of investigation any criminal records it has pertaining to 874

that individual. The superintendent or the superintendent's 875  
designee also may request criminal history records from other 876  
states or the federal government pursuant to the national crime 877  
prevention and privacy compact set forth in section 109.571 of the 878  
Revised Code. Within thirty days of the date that the 879  
superintendent receives a request, the superintendent shall send 880  
to the board, entity, or person a report of any information that 881  
the superintendent determines exists, including information 882  
contained in records that have been sealed under section 2953.32 883  
of the Revised Code, and, within thirty days of its receipt, shall 884  
send the board, entity, or person a report of any information 885  
received from the federal bureau of investigation, other than 886  
information the dissemination of which is prohibited by federal 887  
law. 888

(b) When a board of education or a registered private 889  
provider is required to receive information under this section as 890  
a prerequisite to employment of an individual pursuant to division 891  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 892  
may accept a certified copy of records that were issued by the 893  
bureau of criminal identification and investigation and that are 894  
presented by an individual applying for employment with the 895  
district in lieu of requesting that information itself. In such a 896  
case, the board or provider shall accept the certified copy issued 897  
by the bureau in order to make a photocopy of it for that 898  
individual's employment application documents and shall return the 899  
certified copy to the individual. In a case of that nature, a 900  
district or provider only shall accept a certified copy of records 901  
of that nature within one year after the date of their issuance by 902  
the bureau. 903

(3) The state board of education may request, with respect to 904  
any individual who has applied for employment after October 2, 905  
1989, in any position with the state board or the department of 906

education, any information that a school district board of 907  
education is authorized to request under division (F)(2) of this 908  
section, and the superintendent of the bureau shall proceed as if 909  
the request has been received from a school district board of 910  
education under division (F)(2) of this section. 911

(4) When the superintendent of the bureau receives a request 912  
for information under section 3319.291 of the Revised Code, the 913  
superintendent shall proceed as if the request has been received 914  
from a school district board of education under division (F)(2) of 915  
this section. 916

(5) When a recipient of a classroom reading improvement grant 917  
paid under section 3301.86 of the Revised Code requests, with 918  
respect to any individual who applies to participate in providing 919  
any program or service funded in whole or in part by the grant, 920  
the information that a school district board of education is 921  
authorized to request under division (F)(2)(a) of this section, 922  
the superintendent of the bureau shall proceed as if the request 923  
has been received from a school district board of education under 924  
division (F)(2)(a) of this section. 925

(G) In addition to or in conjunction with any request that is 926  
required to be made under section 3701.881, 3712.09, 3721.121, or 927  
3722.151 of the Revised Code with respect to an individual who has 928  
applied for employment in a position that involves providing 929  
direct care to an older adult, the chief administrator of a home 930  
health agency, hospice care program, home licensed under Chapter 931  
3721. of the Revised Code, adult day-care program operated 932  
pursuant to rules adopted under section 3721.04 of the Revised 933  
Code, or adult care facility may request that the superintendent 934  
of the bureau investigate and determine, with respect to any 935  
individual who has applied after January 27, 1997, for employment 936  
in a position that does not involve providing direct care to an 937  
older adult, whether the bureau has any information gathered under 938

division (A) of this section that pertains to that individual. 939

In addition to or in conjunction with any request that is 940  
required to be made under section 173.27 of the Revised Code with 941  
respect to an individual who has applied for employment in a 942  
position that involves providing ombudsperson services to 943  
residents of long-term care facilities or recipients of 944  
community-based long-term care services, the state long-term care 945  
ombudsperson, ombudsperson's designee, or director of health may 946  
request that the superintendent investigate and determine, with 947  
respect to any individual who has applied for employment in a 948  
position that does not involve providing such ombudsperson 949  
services, whether the bureau has any information gathered under 950  
division (A) of this section that pertains to that applicant. 951

In addition to or in conjunction with any request that is 952  
required to be made under section 173.394 of the Revised Code with 953  
respect to an individual who has applied for employment in a 954  
position that involves providing direct care to an individual, the 955  
chief administrator of a community-based long-term care agency may 956  
request that the superintendent investigate and determine, with 957  
respect to any individual who has applied for employment in a 958  
position that does not involve providing direct care, whether the 959  
bureau has any information gathered under division (A) of this 960  
section that pertains to that applicant. 961

On receipt of a request under this division, the 962  
superintendent shall determine whether that information exists 963  
and, on request of the individual requesting information, shall 964  
also request from the federal bureau of investigation any criminal 965  
records it has pertaining to the applicant. The superintendent or 966  
the superintendent's designee also may request criminal history 967  
records from other states or the federal government pursuant to 968  
the national crime prevention and privacy compact set forth in 969  
section 109.571 of the Revised Code. Within thirty days of the 970

date a request is received, the superintendent shall send to the 971  
requester a report of any information determined to exist, 972  
including information contained in records that have been sealed 973  
under section 2953.32 of the Revised Code, and, within thirty days 974  
of its receipt, shall send the requester a report of any 975  
information received from the federal bureau of investigation, 976  
other than information the dissemination of which is prohibited by 977  
federal law. 978

(H) Information obtained by a government entity or person 979  
under this section is confidential and shall not be released or 980  
disseminated. 981

(I) The superintendent may charge a reasonable fee for 982  
providing information or criminal records under division (F)(2) or 983  
(G) of this section. 984

(J) As used in this section, "registered private provider" 985  
means a nonpublic school or entity registered with the 986  
superintendent of public instruction under section 3310.41 of the 987  
Revised Code to participate in the autism scholarship program or 988  
section 3310.58 of the Revised Code to participate in the special 989  
education scholarship pilot program. 990

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 991  
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 992  
of the Revised Code, a completed form prescribed pursuant to 993  
division (C)(1) of this section, and a set of fingerprint 994  
impressions obtained in the manner described in division (C)(2) of 995  
this section, the superintendent of the bureau of criminal 996  
identification and investigation shall conduct a criminal records 997  
check in the manner described in division (B) of this section to 998  
determine whether any information exists that indicates that the 999  
person who is the subject of the request previously has been 1000  
convicted of or pleaded guilty to any of the following: 1001

(a) A violation of section 2903.01, 2903.02, 2903.03, 1002  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1003  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1004  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1005  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1006  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1007  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1008  
2925.06, or 3716.11 of the Revised Code, felonious sexual 1009  
penetration in violation of former section 2907.12 of the Revised 1010  
Code, a violation of section 2905.04 of the Revised Code as it 1011  
existed prior to July 1, 1996, a violation of section 2919.23 of 1012  
the Revised Code that would have been a violation of section 1013  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1014  
had the violation been committed prior to that date, or a 1015  
violation of section 2925.11 of the Revised Code that is not a 1016  
minor drug possession offense; 1017

(b) A violation of an existing or former law of this state, 1018  
any other state, or the United States that is substantially 1019  
equivalent to any of the offenses listed in division (A)(1)(a) of 1020  
this section. 1021

(2) On receipt of a request pursuant to section 5123.081 of 1022  
the Revised Code with respect to an applicant for employment in 1023  
any position with the department of mental retardation and 1024  
developmental disabilities, pursuant to section 5126.28 of the 1025  
Revised Code with respect to an applicant for employment in any 1026  
position with a county board of mental retardation and 1027  
developmental disabilities, or pursuant to section 5126.281 of the 1028  
Revised Code with respect to an applicant for employment in a 1029  
direct services position with an entity contracting with a county 1030  
board for employment, a completed form prescribed pursuant to 1031  
division (C)(1) of this section, and a set of fingerprint 1032  
impressions obtained in the manner described in division (C)(2) of 1033

this section, the superintendent of the bureau of criminal 1034  
identification and investigation shall conduct a criminal records 1035  
check. The superintendent shall conduct the criminal records check 1036  
in the manner described in division (B) of this section to 1037  
determine whether any information exists that indicates that the 1038  
person who is the subject of the request has been convicted of or 1039  
pleaded guilty to any of the following: 1040

(a) A violation of section 2903.01, 2903.02, 2903.03, 1041  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1042  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 1043  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 1044  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1045  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1046  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1047  
2925.03, or 3716.11 of the Revised Code; 1048

(b) An existing or former municipal ordinance or law of this 1049  
state, any other state, or the United States that is substantially 1050  
equivalent to any of the offenses listed in division (A)(2)(a) of 1051  
this section. 1052

(3) On receipt of a request pursuant to section 173.27, 1053  
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 1054  
completed form prescribed pursuant to division (C)(1) of this 1055  
section, and a set of fingerprint impressions obtained in the 1056  
manner described in division (C)(2) of this section, the 1057  
superintendent of the bureau of criminal identification and 1058  
investigation shall conduct a criminal records check with respect 1059  
to any person who has applied for employment in a position for 1060  
which a criminal records check is required by those sections. The 1061  
superintendent shall conduct the criminal records check in the 1062  
manner described in division (B) of this section to determine 1063  
whether any information exists that indicates that the person who 1064  
is the subject of the request previously has been convicted of or 1065

pleaded guilty to any of the following: 1066

(a) A violation of section 2903.01, 2903.02, 2903.03, 1067  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1068  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1069  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1070  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1071  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1072  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1073  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1074  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1075

(b) An existing or former law of this state, any other state, 1076  
or the United States that is substantially equivalent to any of 1077  
the offenses listed in division (A)(3)(a) of this section. 1078

(4) On receipt of a request pursuant to section 3701.881 of 1079  
the Revised Code with respect to an applicant for employment with 1080  
a home health agency as a person responsible for the care, 1081  
custody, or control of a child, a completed form prescribed 1082  
pursuant to division (C)(1) of this section, and a set of 1083  
fingerprint impressions obtained in the manner described in 1084  
division (C)(2) of this section, the superintendent of the bureau 1085  
of criminal identification and investigation shall conduct a 1086  
criminal records check. The superintendent shall conduct the 1087  
criminal records check in the manner described in division (B) of 1088  
this section to determine whether any information exists that 1089  
indicates that the person who is the subject of the request 1090  
previously has been convicted of or pleaded guilty to any of the 1091  
following: 1092

(a) A violation of section 2903.01, 2903.02, 2903.03, 1093  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1094  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1095  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1096  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1097

2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1098  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1099  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1100  
violation of section 2925.11 of the Revised Code that is not a 1101  
minor drug possession offense; 1102

(b) An existing or former law of this state, any other state, 1103  
or the United States that is substantially equivalent to any of 1104  
the offenses listed in division (A)(4)(a) of this section. 1105

(5) On receipt of a request pursuant to section ~~5111.95 or~~ 1106  
~~5111.96~~ 5111.032, 5111.033, or 5111.034 of the Revised Code with 1107  
~~respect to an applicant for employment with a waiver agency~~ 1108  
~~participating in a department of job and family services~~ 1109  
~~administered home and community based waiver program or an~~ 1110  
~~independent provider participating in a department administered~~ 1111  
~~home and community based waiver program in a position that~~ 1112  
~~involves providing home and community based waiver services to~~ 1113  
~~consumers with disabilities~~, a completed form prescribed pursuant 1114  
to division (C)(1) of this section, and a set of fingerprint 1115  
impressions obtained in the manner described in division (C)(2) of 1116  
this section, the superintendent of the bureau of criminal 1117  
identification and investigation shall conduct a criminal records 1118  
check. The superintendent shall conduct the criminal records check 1119  
in the manner described in division (B) of this section to 1120  
determine whether any information exists that indicates that the 1121  
person who is the subject of the request previously has been 1122  
convicted of ~~or~~, has pleaded guilty to, or has been found eligible 1123  
for intervention in lieu of conviction for any of the following: 1124

(a) A violation of section 2903.01, 2903.02, 2903.03, 1125  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1126  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 1127  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1128  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1129

2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 1130  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 1131  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 1132  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 1133  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 1134  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 1135  
3716.11 of the Revised Code, felonious sexual penetration in 1136  
violation of former section 2907.12 of the Revised Code, a 1137  
violation of section 2905.04 of the Revised Code as it existed 1138  
prior to July 1, 1996, a violation of section 2919.23 of the 1139  
Revised Code that would have been a violation of section 2905.04 1140  
of the Revised Code as it existed prior to July 1, 1996, had the 1141  
violation been committed prior to that date; 1142

(b) An existing or former law of this state, any other state, 1143  
or the United States that is substantially equivalent to any of 1144  
the offenses listed in division (A)(5)(a) of this section. 1145

(6) On receipt of a request pursuant to section 3701.881 of 1146  
the Revised Code with respect to an applicant for employment with 1147  
a home health agency in a position that involves providing direct 1148  
care to an older adult, a completed form prescribed pursuant to 1149  
division (C)(1) of this section, and a set of fingerprint 1150  
impressions obtained in the manner described in division (C)(2) of 1151  
this section, the superintendent of the bureau of criminal 1152  
identification and investigation shall conduct a criminal records 1153  
check. The superintendent shall conduct the criminal records check 1154  
in the manner described in division (B) of this section to 1155  
determine whether any information exists that indicates that the 1156  
person who is the subject of the request previously has been 1157  
convicted of or pleaded guilty to any of the following: 1158

(a) A violation of section 2903.01, 2903.02, 2903.03, 1159  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1160  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1161

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1162  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1163  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1164  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1165  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1166  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1167

(b) An existing or former law of this state, any other state, 1168  
or the United States that is substantially equivalent to any of 1169  
the offenses listed in division (A)(6)(a) of this section. 1170

(7) When conducting a criminal records check upon a request 1171  
pursuant to section 3319.39 of the Revised Code for an applicant 1172  
who is a teacher, in addition to the determination made under 1173  
division (A)(1) of this section, the superintendent shall 1174  
determine whether any information exists that indicates that the 1175  
person who is the subject of the request previously has been 1176  
convicted of or pleaded guilty to any offense specified in section 1177  
3319.31 of the Revised Code. 1178

(8) On a request pursuant to section 2151.86 of the Revised 1179  
Code, a completed form prescribed pursuant to division (C)(1) of 1180  
this section, and a set of fingerprint impressions obtained in the 1181  
manner described in division (C)(2) of this section, the 1182  
superintendent of the bureau of criminal identification and 1183  
investigation shall conduct a criminal records check in the manner 1184  
described in division (B) of this section to determine whether any 1185  
information exists that indicates that the person who is the 1186  
subject of the request previously has been convicted of or pleaded 1187  
guilty to any of the following: 1188

(a) A violation of section 2903.01, 2903.02, 2903.03, 1189  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1190  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1191  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1192  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1193

2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1194  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1195  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 1196  
violation of section 2905.04 of the Revised Code as it existed 1197  
prior to July 1, 1996, a violation of section 2919.23 of the 1198  
Revised Code that would have been a violation of section 2905.04 1199  
of the Revised Code as it existed prior to July 1, 1996, had the 1200  
violation been committed prior to that date, a violation of 1201  
section 2925.11 of the Revised Code that is not a minor drug 1202  
possession offense, or felonious sexual penetration in violation 1203  
of former section 2907.12 of the Revised Code; 1204

(b) A violation of an existing or former law of this state, 1205  
any other state, or the United States that is substantially 1206  
equivalent to any of the offenses listed in division (A)(8)(a) of 1207  
this section. 1208

(9) When conducting a criminal records check on a request 1209  
pursuant to section 5104.013 of the Revised Code for a person who 1210  
is an owner, licensee, or administrator of a child day-care center 1211  
or type A family day-care home, an authorized provider of a 1212  
certified type B family day-care home, or an adult residing in a 1213  
type A or certified type B home, or when conducting a criminal 1214  
records check or a request pursuant to section 5104.012 of the 1215  
Revised Code for a person who is an applicant for employment in a 1216  
center, type A home, or certified type B home, the superintendent, 1217  
in addition to the determination made under division (A)(1) of 1218  
this section, shall determine whether any information exists that 1219  
indicates that the person has been convicted of or pleaded guilty 1220  
to any of the following: 1221

(a) A violation of section 2913.02, 2913.03, 2913.04, 1222  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1223  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1224  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 1225

2921.13, or 2923.01 of the Revised Code, a violation of section 1226  
2923.02 or 2923.03 of the Revised Code that relates to a crime 1227  
specified in this division or division (A)(1)(a) of this section, 1228  
or a second violation of section 4511.19 of the Revised Code 1229  
within five years of the date of application for licensure or 1230  
certification. 1231

(b) A violation of an existing or former law of this state, 1232  
any other state, or the United States that is substantially 1233  
equivalent to any of the offenses or violations described in 1234  
division (A)(9)(a) of this section. 1235

(10) Upon receipt of a request pursuant to section 5153.111 1236  
of the Revised Code, a completed form prescribed pursuant to 1237  
division (C)(1) of this section, and a set of fingerprint 1238  
impressions obtained in the manner described in division (C)(2) of 1239  
this section, the superintendent of the bureau of criminal 1240  
identification and investigation shall conduct a criminal records 1241  
check in the manner described in division (B) of this section to 1242  
determine whether any information exists that indicates that the 1243  
person who is the subject of the request previously has been 1244  
convicted of or pleaded guilty to any of the following: 1245

(a) A violation of section 2903.01, 2903.02, 2903.03, 1246  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1247  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1248  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1249  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1250  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1251  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1252  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1253  
felonious sexual penetration in violation of former section 1254  
2907.12 of the Revised Code, a violation of section 2905.04 of the 1255  
Revised Code as it existed prior to July 1, 1996, a violation of 1256  
section 2919.23 of the Revised Code that would have been a 1257

violation of section 2905.04 of the Revised Code as it existed 1258  
prior to July 1, 1996, had the violation been committed prior to 1259  
that date, or a violation of section 2925.11 of the Revised Code 1260  
that is not a minor drug possession offense; 1261

(b) A violation of an existing or former law of this state, 1262  
any other state, or the United States that is substantially 1263  
equivalent to any of the offenses listed in division (A)(10)(a) of 1264  
this section. 1265

(11) On receipt of a request for a criminal records check 1266  
from an individual pursuant to section 4749.03 or 4749.06 of the 1267  
Revised Code, accompanied by a completed copy of the form 1268  
prescribed in division (C)(1) of this section and a set of 1269  
fingerprint impressions obtained in a manner described in division 1270  
(C)(2) of this section, the superintendent of the bureau of 1271  
criminal identification and investigation shall conduct a criminal 1272  
records check in the manner described in division (B) of this 1273  
section to determine whether any information exists indicating 1274  
that the person who is the subject of the request has been 1275  
convicted of or pleaded guilty to a felony in this state or in any 1276  
other state. If the individual indicates that a firearm will be 1277  
carried in the course of business, the superintendent shall 1278  
require information from the federal bureau of investigation as 1279  
described in division (B)(2) of this section. The superintendent 1280  
shall report the findings of the criminal records check and any 1281  
information the federal bureau of investigation provides to the 1282  
director of public safety. 1283

(12) On receipt of a request pursuant to section 1322.03, 1284  
1322.031, or 4763.05 of the Revised Code, a completed form 1285  
prescribed pursuant to division (C)(1) of this section, and a set 1286  
of fingerprint impressions obtained in the manner described in 1287  
division (C)(2) of this section, the superintendent of the bureau 1288  
of criminal identification and investigation shall conduct a 1289

criminal records check with respect to any person who has applied 1290  
for a license, permit, or certification from the department of 1291  
commerce or a division in the department. The superintendent shall 1292  
conduct the criminal records check in the manner described in 1293  
division (B) of this section to determine whether any information 1294  
exists that indicates that the person who is the subject of the 1295  
request previously has been convicted of or pleaded guilty to any 1296  
of the following: a violation of section 2913.02, 2913.11, 1297  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1298  
criminal offense involving theft, receiving stolen property, 1299  
embezzlement, forgery, fraud, passing bad checks, money 1300  
laundering, or drug trafficking, or any criminal offense involving 1301  
money or securities, as set forth in Chapters 2909., 2911., 2913., 1302  
2915., 2921., 2923., and 2925. of the Revised Code; or any 1303  
existing or former law of this state, any other state, or the 1304  
United States that is substantially equivalent to those offenses. 1305

(13) Not later than thirty days after the date the 1306  
superintendent receives the request, completed form, and 1307  
fingerprint impressions, the superintendent shall send the person, 1308  
board, or entity that made the request any information, other than 1309  
information the dissemination of which is prohibited by federal 1310  
law, the superintendent determines exists with respect to the 1311  
person who is the subject of the request that indicates that the 1312  
person previously has been convicted of or pleaded guilty to any 1313  
offense listed or described in division (A)(1), (2), (3), (4), 1314  
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 1315  
appropriate. The superintendent shall send the person, board, or 1316  
entity that made the request a copy of the list of offenses 1317  
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 1318  
(9), (10), (11), or (12) of this section, as appropriate. If the 1319  
request was made under section 3701.881 of the Revised Code with 1320  
regard to an applicant who may be both responsible for the care, 1321  
custody, or control of a child and involved in providing direct 1322

care to an older adult, the superintendent shall provide a list of 1323  
the offenses specified in divisions (A)(4) and (6) of this 1324  
section. 1325

(B) The superintendent shall conduct any criminal records 1326  
check requested under section 121.08, 173.27, 173.394, 1322.03, 1327  
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 1328  
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 1329  
~~5111.95, 5111.96~~ 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1330  
5126.281, or 5153.111 of the Revised Code as follows: 1331

(1) The superintendent shall review or cause to be reviewed 1332  
any relevant information gathered and compiled by the bureau under 1333  
division (A) of section 109.57 of the Revised Code that relates to 1334  
the person who is the subject of the request, including any 1335  
relevant information contained in records that have been sealed 1336  
under section 2953.32 of the Revised Code; 1337

(2) If the request received by the superintendent asks for 1338  
information from the federal bureau of investigation, the 1339  
superintendent shall request from the federal bureau of 1340  
investigation any information it has with respect to the person 1341  
who is the subject of the request and shall review or cause to be 1342  
reviewed any information the superintendent receives from that 1343  
bureau. 1344

(3) The superintendent or the superintendent's designee may 1345  
request criminal history records from other states or the federal 1346  
government pursuant to the national crime prevention and privacy 1347  
compact set forth in section 109.571 of the Revised Code. 1348

(C)(1) The superintendent shall prescribe a form to obtain 1349  
the information necessary to conduct a criminal records check from 1350  
any person for whom a criminal records check is required by 1351  
section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 1352  
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 1353

4749.03, 4749.06, 4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 1354  
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1355  
5153.111 of the Revised Code. The form that the superintendent 1356  
prescribes pursuant to this division may be in a tangible format, 1357  
in an electronic format, or in both tangible and electronic 1358  
formats. 1359

(2) The superintendent shall prescribe standard impression 1360  
sheets to obtain the fingerprint impressions of any person for 1361  
whom a criminal records check is required by section 121.08, 1362  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1363  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1364  
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1365  
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1366  
Code. Any person for whom a records check is required by any of 1367  
those sections shall obtain the fingerprint impressions at a 1368  
county sheriff's office, municipal police department, or any other 1369  
entity with the ability to make fingerprint impressions on the 1370  
standard impression sheets prescribed by the superintendent. The 1371  
office, department, or entity may charge the person a reasonable 1372  
fee for making the impressions. The standard impression sheets the 1373  
superintendent prescribes pursuant to this division may be in a 1374  
tangible format, in an electronic format, or in both tangible and 1375  
electronic formats. 1376

(3) Subject to division (D) of this section, the 1377  
superintendent shall prescribe and charge a reasonable fee for 1378  
providing a criminal records check requested under section 121.08, 1379  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1380  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1381  
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1382  
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1383  
Code. The person making a criminal records request under section 1384  
121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 1385

3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 1386  
4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 1387  
5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the 1388  
fee prescribed pursuant to this division. A person making a 1389  
request under section 3701.881 of the Revised Code for a criminal 1390  
records check for an applicant who may be both responsible for the 1391  
care, custody, or control of a child and involved in providing 1392  
direct care to an older adult shall pay one fee for the request. 1393  
In the case of a request under section 5111.033 of the Revised 1394  
Code, the fee shall be paid in the manner specified in that 1395  
section. 1396

(4) The superintendent of the bureau of criminal 1397  
identification and investigation may prescribe methods of 1398  
forwarding fingerprint impressions and information necessary to 1399  
conduct a criminal records check, which methods shall include, but 1400  
not be limited to, an electronic method. 1401

(D) A determination whether any information exists that 1402  
indicates that a person previously has been convicted of or 1403  
pleaded guilty to any offense listed or described in division 1404  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1405  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1406  
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 1407  
that is made by the superintendent with respect to information 1408  
considered in a criminal records check in accordance with this 1409  
section is valid for the person who is the subject of the criminal 1410  
records check for a period of one year from the date upon which 1411  
the superintendent makes the determination. During the period in 1412  
which the determination in regard to a person is valid, if another 1413  
request under this section is made for a criminal records check 1414  
for that person, the superintendent shall provide the information 1415  
that is the basis for the superintendent's initial determination 1416  
at a lower fee than the fee prescribed for the initial criminal 1417

records check. 1418

(E) When the superintendent receives a request for 1419  
information from a registered private provider, the superintendent 1420  
shall proceed as if the request has been received from a school 1421  
district board of education under section 3319.39 of the Revised 1422  
Code. The superintendent shall apply division (A)(7) of this 1423  
section to any such request for an applicant who is a teacher. 1424

(F) As used in this section: 1425

(1) "Criminal records check" means any criminal records check 1426  
conducted by the superintendent of the bureau of criminal 1427  
identification and investigation in accordance with division (B) 1428  
of this section. 1429

~~(2) "Home and community based waiver services" and "waiver~~ 1430  
~~agency" have the same meanings as in section 5111.95 of the~~ 1431  
~~Revised Code.~~ 1432

~~(3) "Independent provider" has the same meaning as in section~~ 1433  
~~5111.96 of the Revised Code.~~ 1434

~~(4) "Minor drug possession offense" has the same meaning as~~ 1435  
~~in section 2925.01 of the Revised Code.~~ 1436

~~(5)(3) "Older adult" means a person age sixty or older.~~ 1437

(4) "Registered private provider" means a nonpublic school or 1438  
entity registered with the superintendent of public instruction 1439  
under section 3310.41 of the Revised Code to participate in the 1440  
autism scholarship program or section 3310.58 of the Revised Code 1441  
to participate in the special education scholarship pilot program. 1442

**Sec. 109.93.** The attorney general education fund is hereby 1443  
created in the ~~custody of the treasurer of state treasury~~. The 1444  
fund shall consist of gifts and grants received by the attorney 1445  
general for the purposes of the fund. The fund shall be 1446  
administered by the attorney general and shall be used to support 1447

various educational programs. These educational programs may 1448  
include programs for consumer protection, victims of crime, 1449  
environmental protection, drug abuse, child abuse, peace officer 1450  
training, crime prevention, and law. The fund may also be used to 1451  
pay costs associated with the solicitation of gifts and grants for 1452  
the purposes of the fund, and the costs of administering the fund. 1453  
The fund shall not be used to replace money spent by local 1454  
programs for similar purposes. 1455

**Sec. 111.18.** (A) The secretary of state shall keep a record 1456  
of all fees collected by the secretary of state and, subject to 1457  
division (B) of section 1309.528 of the Revised Code and except as 1458  
otherwise provided in the Revised Code, shall pay them into the 1459  
state treasury to the credit of the corporate and uniform 1460  
commercial code filing fund created by section 1309.528 of the 1461  
Revised Code. 1462

(B) The secretary of state may implement alternative payment 1463  
programs that permit payment of any fee charged by the secretary 1464  
of state by means other than cash, check, money order, or credit 1465  
card; an alternative payment program may include, but is not 1466  
limited to, one that permits a fee to be paid by electronic means 1467  
of transmission. Fees paid under an alternative payment program 1468  
shall be deposited to the credit of the secretary of state 1469  
alternative payment program fund, which is hereby created. ~~The~~ 1470  
~~secretary of state alternative payment program fund shall be in~~ 1471  
~~the custody of the treasurer of state but shall not be part of the~~ 1472  
state treasury. Any investment income of the secretary of state 1473  
alternative payment program fund shall be credited to that fund 1474  
and used to operate the alternative payment program. Within two 1475  
working days following the deposit of funds to the credit of the 1476  
secretary of state alternative payment program fund, the secretary 1477  
of state shall pay those funds ~~into the state treasury~~ to the 1478  
credit of the corporate and uniform commercial code filing fund, 1479

subject to division (B) of section 1309.401 of the Revised Code 1480  
and except as otherwise provided in the Revised Code. 1481

The secretary of state shall adopt rules necessary to carry 1482  
out the purposes of this division. 1483

**Sec. 118.01.** As used in this chapter: 1484

(A) "Advance tax payment notes" means the notes authorized by 1485  
section 118.24 of the Revised Code. 1486

(B) "Appropriation measure" means any appropriation measure, 1487  
amendment of an appropriation measure, or supplement to an 1488  
appropriation measure of a municipal corporation, county, or 1489  
township referred to in sections 5705.38 and 5705.40 of the 1490  
Revised Code and any other action of a municipal corporation, 1491  
county, or township authorizing expenditure of money not 1492  
previously included in any appropriation measure. 1493

(C) "Bond anticipation notes" means notes issued in 1494  
anticipation of the issuance of bonds. 1495

(D) "Certificate of estimated resources" means the official 1496  
certificate of estimated resources of the county budget commission 1497  
and amendments of the certificate certified to the municipal 1498  
corporation, county, or township as provided for in Chapter 5705. 1499  
of the Revised Code. 1500

(E) "Commission" means a financial planning and supervision 1501  
commission created by section 118.05 of the Revised Code with 1502  
respect to a municipal corporation, county, or township. 1503

(F) "Construction funds" means proceeds from the sale of debt 1504  
obligations restricted by law or pursuant to the proceedings for 1505  
the issuance of such debt obligations to use for permanent 1506  
improvements as defined in division (E) of section 5705.01 of the 1507  
Revised Code, including acquisition, construction, or extension of 1508  
public utilities, and moneys from any other sources restricted to 1509

such purpose. 1510

(G) "County auditor" means the county auditor with whom tax 1511  
budgets of the municipal corporation, county, or township are to 1512  
be filed in accordance with section 5705.30 of the Revised Code. 1513

(H) "County budget commission" means the county budget 1514  
commission to which the tax budget of the municipal corporation, 1515  
county, or township is to be submitted in accordance with section 1516  
5705.31 of the Revised Code. 1517

(I) "Current revenue notes" means debt obligations described 1518  
in section 133.10 or Chapter 5705. of the Revised Code or any 1519  
other debt obligations issued to obtain funds for current 1520  
operating expenses. 1521

(J) "Debt limits" means the limitations on net indebtedness 1522  
provided in sections 133.05, 133.07, and 133.09 of the Revised 1523  
Code, and also includes the limitation, known as the "indirect 1524  
debt limit," upon the issuance of unvoted bonds, notes, or 1525  
certificates of indebtedness resulting from the ten-mill 1526  
limitation provided for in section 5705.02 of the Revised Code. 1527

(K) "Debt obligations" means bonds, notes, certificates of 1528  
indebtedness, bond anticipation notes, current revenue notes, 1529  
local government fund notes, local communities fund notes, or 1530  
other obligations issued or incurred in borrowing money, or to 1531  
renew, refund, fund, or refinance, or issued in exchange for, such 1532  
obligations, and any interest coupons pertaining thereto other 1533  
than bonds or other obligations issued under authority of Section 1534  
13 of Article VIII, Ohio Constitution. 1535

(L) "Default" means failure to pay the principal of or the 1536  
interest on a debt obligation, or failure to make other payment to 1537  
be made to the holder or owner of a debt obligation, in the full 1538  
amount and at the time provided for in the contractual commitment 1539  
with respect thereto, unless the time for such payment has been 1540

extended by the owner or holder of the debt obligation without 1541  
penalty or premium and without the effect of subjecting the 1542  
municipal corporation, county, or township to the initiation of 1543  
remedies pertaining to such debt obligation or other debt 1544  
obligations. 1545

(M) "Deficit fund" means the general fund or any special fund 1546  
that, as at the time indicated, has a deficit balance or a balance 1547  
that is less than the amount required to be in such fund pursuant 1548  
to law or pursuant to contractual requirements, demonstrating that 1549  
over a period of time expenditures charged or chargeable to the 1550  
fund have exceeded moneys credited to the fund, or that moneys 1551  
credited to the fund have not been in the amounts required by law 1552  
or contractual requirements. 1553

(N) "Effective financial accounting and reporting system" 1554  
means an accounting and reporting system fully in compliance with 1555  
the requirements prescribed by and pursuant to Chapter 117. of the 1556  
Revised Code, with such modifications and supplements as are to be 1557  
provided pursuant to this chapter in order to meet and deal with 1558  
the fiscal emergency, provide to the auditor of state, the 1559  
commission, the financial supervisor, and the county budget 1560  
commission the information needed to carry out their functions, 1561  
and better ensure the implementation of the financial plan. 1562

(O) "Financial plan" means the financial plan approved by the 1563  
commission in accordance with section 118.06 of the Revised Code, 1564  
as it may from time to time be amended in accordance with this 1565  
chapter. 1566

(P) "Financial supervisor" means the auditor of state. 1567

(Q) "Fiscal emergency" means the existence of fiscal 1568  
emergency conditions determined as provided in section 118.04 of 1569  
the Revised Code. 1570

(R) "Fiscal emergency conditions" means any of the events or 1571

occurrences described in section 118.03 of the Revised Code.	1572
(S) <u>"Fiscal emergency period"</u> means the period of time	1573
commencing on the date when the determination of a fiscal	1574
emergency is made by the auditor of state pursuant to section	1575
118.04 of the Revised Code and ending when the determination of	1576
termination is made and certified pursuant to section 118.27 of	1577
the Revised Code.	1578
(T) <u>"Fiscal watch"</u> means the existence of fiscal watch	1579
conditions as determined in accordance with section 118.022 of the	1580
Revised Code.	1581
(U) <u>"Fiscal officer"</u> means the fiscal officer of the	1582
municipal corporation, county, or township as defined in division	1583
(D) of section 5705.01 of the Revised Code.	1584
(V) <u>"Fringe benefits"</u> means expenditures for goods and	1585
services furnished to municipal, county, or township officers or	1586
employees by the municipal corporation, county, or township,	1587
including, but not limited to, such benefits as food, temporary	1588
housing, and clothing, and the provision of pension, retirement,	1589
disability, hospitalization, health care, insurance, or other	1590
benefits to employees requiring the advance payment of money other	1591
than directly to employees or other beneficiaries, or the deposit	1592
or reservation of money for such purpose.	1593
(W) <u>"General fund"</u> means the fund referred to in division (A)	1594
of section 5705.09 of the Revised Code.	1595
(X) <u>"General fund budget"</u> means aggregate revenues available	1596
in the general fund during the applicable fiscal year as shown by	1597
the certificate of estimated resources.	1598
(Y) <u>"Mayor"</u> means the officer of the municipal corporation	1599
designated as such by law or the chief executive officer under the	1600
charter of the municipal corporation.	1601

(Z) "Payroll" means compensation due and payable to employees of the municipal corporation, county, or township, other than fringe benefits.

(AA) "Revenue estimates" means the estimates of revenue receipts to the credit of the general fund and special funds as estimated and supplemented, modified, or amended by the municipal corporation, county, or township, or the county budget commission.

(BB) "Special funds" means any of the funds, other than the general fund, referred to in sections 5705.09 and 5705.12 of the Revised Code, and includes any fund created from the issuance of debt obligations pursuant to Section 3 or 12 of Article XVIII, Ohio Constitution, and any fund created in connection with the issuance of debt obligations to provide moneys for the payment of principal or interest, reserves therefor, or reserves or funds for repair, maintenance, or improvements.

(CC) "Tax budget" means the tax budget provided for in section 5705.28 of the Revised Code.

**Sec. 118.08.** (A) The members of the financial planning and supervision commission shall serve without compensation, but shall be paid by the commission their necessary and actual expenses incurred while engaged in the business of the commission.

(B) All expenses incurred for services rendered by the financial supervisor for a period of twenty-four months shall be paid by the commission pursuant to an appropriation made by the general assembly for this purpose. Expenses incurred for services rendered by the financial supervisor beyond this period shall be borne by the municipal corporation, county, or township unless the director of budget and management waives the costs and allows payment in accordance with the following:

(1) If the continued performance of the financial supervisor

is required for a period of twenty-five to thirty months, the 1632  
municipal corporation, county, or township is responsible for 1633  
twenty per cent of the compensation due. 1634

(2) If the continued performance of the financial supervisor 1635  
is required for a period of thirty-one to thirty-six months, the 1636  
municipal corporation, county, or township is responsible for 1637  
fifty per cent of the compensation due. 1638

(3) If the continued performance of the financial supervisor 1639  
is required for a period of thirty-seven months or more, the 1640  
municipal corporation, county, or township is responsible for one 1641  
hundred per cent of the compensation due except as otherwise 1642  
provided in division (B)(4) of this section. 1643

(4) If the continued performance of the financial supervisor 1644  
has been required longer than eight fiscal years for any municipal 1645  
corporation, county, or township declared to be in a fiscal 1646  
emergency prior to fiscal year 1996, that municipal corporation, 1647  
county, or township is responsible for fifty per cent of the 1648  
compensation due in its ninth fiscal year while in fiscal 1649  
emergency and one hundred per cent of the compensation due in its 1650  
tenth fiscal year and every fiscal year thereafter while in fiscal 1651  
emergency. 1652

(C) If the municipal corporation, county, or township fails 1653  
to make any payment to the financial supervisor as required by 1654  
this chapter, the financial supervisor may certify to the county 1655  
auditor the amount due, and that amount shall be withheld from the 1656  
municipal corporation, county, or township from any fund or funds 1657  
in the custody of the county auditor for distribution to the 1658  
municipal corporation, county, or township, except for those 1659  
reserved for payment of local government fund or local communities 1660  
fund notes. Upon receiving the certification from the financial 1661  
supervisor, the county auditor shall draw a voucher for the amount 1662  
against those fund or funds in favor of the financial supervisor. 1663

Sec. 118.17. (A) During a fiscal emergency period and with 1664  
the approval of the financial planning and supervision commission, 1665  
a municipal corporation, county, or township may issue local 1666  
~~government~~ communities fund notes, in anticipation of amounts to 1667  
be allocated to it pursuant to division (B) of section 5747.50 of 1668  
the Revised Code or to be apportioned to it under section 5747.51 1669  
or 5747.53 of the Revised Code in a future year or years, for a 1670  
period of no more than eight calendar years. The principal amount 1671  
of the notes and interest on the notes due and payable in any year 1672  
shall not exceed fifty per cent of the total amount of local 1673  
government fund or local communities fund moneys so allocated or 1674  
apportioned to the municipal corporation, county, or township for 1675  
the year preceding the year in which the notes are issued. The 1676  
notes may mature in semiannual or annual installments in such 1677  
amounts as may be fixed by the commission, and need not mature in 1678  
substantially equal semiannual or annual installments. The notes 1679  
of a municipal corporation may be authorized and issued, subject 1680  
to the approval of the commission, in the manner provided in 1681  
sections 717.15 and 717.16 of the Revised Code, except that, 1682  
notwithstanding division (A)(2) of section 717.16 of the Revised 1683  
Code, the rate or rates of interest payable on the notes shall be 1684  
the prevailing market rate or rates as determined and approved by 1685  
the commission, and except that they shall not be issued in 1686  
anticipation of bonds, shall not constitute general obligations of 1687  
the municipal corporation, and shall not pledge the full faith and 1688  
credit of the municipal corporation. 1689

(B) The principal and interest on the notes provided for in 1690  
this section shall be payable, as provided in this section, solely 1691  
from the portion of the local ~~government~~ communities fund that 1692  
would otherwise be apportioned to the municipal corporation, 1693  
county, or township and shall not be payable from or constitute a 1694  
pledge of or claim upon, or require the levy, collection, or 1695

application of, any unvoted ad valorem property taxes or other 1696  
taxes, or in any manner occupy any portion of the indirect debt 1697  
limit. 1698

(C) Local ~~government~~ communities fund notes may be issued 1699  
only to the extent needed to achieve one or more of the following 1700  
objectives of the financial plan: 1701

(1) Satisfying any contractual or noncontractual judgments, 1702  
past due accounts payable, and all past due and payable payroll 1703  
and fringe benefits to be taken into account under section 118.03 1704  
of the Revised Code; 1705

(2) Restoring to construction funds or other restricted funds 1706  
any money applied from such funds to uses not within the purposes 1707  
of such funds and which could not be transferred to such use under 1708  
section 5705.14 of the Revised Code; 1709

(3) Eliminating deficit balances in all deficit funds, 1710  
including funds that may be used to pay operating expenses. 1711

In addition to the objectives set forth in divisions (C)(1) 1712  
to (3) of this section, local ~~government~~ communities fund notes 1713  
may be issued and the proceeds of those notes may be used for the 1714  
purpose of retiring or replacing other moneys used to retire 1715  
current revenue notes issued pursuant to section 118.23 of the 1716  
Revised Code to the extent that the proceeds of the current 1717  
revenue notes have been or are to be used directly or to replace 1718  
other moneys used to achieve one or more of the objectives of the 1719  
financial plan specified in divisions (C)(1) to (3) of this 1720  
section. Upon authorization of the local ~~government~~ communities 1721  
fund notes by the legislative authority of the municipal 1722  
corporation, county, or township, the proceeds of the local 1723  
~~government~~ communities fund notes and the proceeds of any such 1724  
current revenue notes shall be deemed to be appropriated, to the 1725  
extent that the proceeds have been or are to be so used, for the 1726

purposes for which the revenues anticipated by any such current 1727  
revenue notes are collected and appropriated within the meaning of 1728  
section 133.10 of the Revised Code. 1729

(D) The need for an issue of local ~~government~~ communities 1730  
fund notes for such purposes shall be determined by taking into 1731  
consideration other money and sources of moneys available therefor 1732  
under this chapter or other provisions of law, and calculating the 1733  
respective amounts needed therefor in accordance with section 1734  
118.03 of the Revised Code, including the deductions or offsets 1735  
therein provided, for determining that a fiscal emergency 1736  
condition exists, and by eliminating any duplication of amounts 1737  
thereunder. The respective amounts needed to achieve such 1738  
objectives and the resulting aggregate net amount shall be 1739  
determined initially by a certification of the fiscal officer as 1740  
and to the extent approved by the financial supervisor. The 1741  
principal amount of such notes shall not exceed the aggregate net 1742  
amount needed for such purposes. The aggregate amount of all 1743  
issues of such notes shall not exceed three times the average of 1744  
the allocation or apportionment to the municipal corporation, 1745  
county, or township of moneys from the local ~~government~~ 1746  
communities fund in each of the three fiscal years preceding the 1747  
fiscal year in which the notes are issued. 1748

(E) The proceeds of the sale of local ~~government~~ communities 1749  
fund notes shall be appropriated by the municipal corporation, 1750  
county, or township for and shall be applied only to the purposes, 1751  
and in the respective amounts for those purposes, set forth in the 1752  
certification given pursuant to division (D) of this section, as 1753  
the purposes and amounts may be modified in the approval by the 1754  
commission provided for in this section. The proceeds shall be 1755  
deposited in separate accounts with a fiscal agent designated in 1756  
the resolution referred to in division (F) of this section and 1757  
released only for such respective purposes in accordance with the 1758

procedures set forth in division (D) of section 118.20 of the Revised Code. Any amounts not needed for such purposes shall be deposited with the fiscal agent designated to receive deposits for payment of the principal of and interest due on the notes.

(F) An application for approval by the financial planning and supervision commission of an issue of local ~~government~~ communities fund notes shall be authorized by a preliminary resolution adopted by the legislative authority. The resolution may authorize the application as a part of the initial submission of the financial plan for approval or as a part of any proposed amendment to an approved financial plan or at any time after the approval of a financial plan, or amendment to a financial plan, that proposes the issue of such notes. The preliminary resolution shall designate a fiscal agent for the deposit of the proceeds of the sale of the notes, and shall contain a covenant of the municipal corporation, county, or township to comply with this chapter and the financial plan.

The commission shall review and evaluate the application and supporting certification and financial supervisor action, and shall thereupon certify its approval or disapproval, or modification and approval, of the application.

The commission shall certify the amounts, maturities, interest rates, and terms of issue of the local ~~government~~ communities fund notes approved by the commission and the purposes to which the proceeds of the sale of the notes will be applied in respective amounts.

The commission shall certify a copy of its approval, of the preliminary resolution, and of the related certification and action of the financial supervisor to the fiscal officer, the financial supervisor, the county budget commission, the county auditor, the county treasurer, and the fiscal agent designated to receive and disburse the proceeds of the sale of the notes.

(G) Upon the sale of any local ~~government~~ communities fund 1791  
notes issued under this section, the commission shall determine a 1792  
schedule for the deposit of local ~~government~~ communities fund 1793  
distributions that are pledged for the payment of the principal of 1794  
and interest on the notes with the fiscal agent or trustee 1795  
designated in the agreement between the municipal corporation, 1796  
county, or township and the holders of the notes to receive and 1797  
disburse the distributions. The amounts to be deposited shall be 1798  
adequate to provide for the payment of principal and interest on 1799  
the notes when due and to pay all other proper charges, costs, or 1800  
expenses pertaining thereto. 1801

The amount of the local ~~government~~ communities fund moneys 1802  
apportioned to the municipal corporation, county, or township that 1803  
is to be so deposited in each year shall not be included in the 1804  
tax budget and appropriation measures of the municipal 1805  
corporation, county, or township, or in certificates of estimated 1806  
revenues, for that year. 1807

The commission shall certify the schedule to the officers 1808  
designated in division (F) of this section. 1809

(H) Deposit of amounts with the fiscal agent or trustee 1810  
pursuant to the schedule determined by the commission shall be 1811  
made from local ~~government~~ communities fund distributions to or 1812  
apportioned to the municipal corporation, county, or township as 1813  
provided in this division. The apportionment of local ~~government~~ 1814  
communities fund moneys to the municipal corporation, county, or 1815  
township for any year from the undivided local ~~government~~ 1816  
communities fund shall be determined as to the municipal 1817  
corporation, county, or township without regard to the amounts to 1818  
be deposited with the fiscal agent or trustee in that year in 1819  
accordance with division (G) of this section. After the amount of 1820  
the undivided local ~~government~~ communities fund apportioned to the 1821  
municipal corporation, county, or township for a calendar year is 1822

determined, the county auditor and the county treasurer shall 1823  
withhold from each monthly amount to be distributed to the 1824  
municipal corporation, county, or township from the undivided 1825  
local ~~government~~ communities fund, and transmit to the fiscal 1826  
agent or trustee for deposit, one-twelfth of the amount scheduled 1827  
for deposit in that year pursuant to division (G) of this section. 1828

(I) If the commission approves the application, the municipal 1829  
corporation, county, or township may proceed with the issuance of 1830  
the notes as approved by the commission. 1831

All notes issued under authority of this section are lawful 1832  
investments for the entities enumerated in division (A)(1) of 1833  
section 133.03 of the Revised Code and are eligible as security 1834  
for the repayment of the deposit of public moneys. 1835

Upon the issuance of any notes under this section, the fiscal 1836  
officer of the municipal corporation, county, or township shall 1837  
certify the fact of the issuance to the county auditor and shall 1838  
also certify to the county auditor the last calendar year in which 1839  
any of the notes are scheduled to mature. 1840

(J) After the legislative authority of the municipal 1841  
corporation, county, or township has passed an ordinance or 1842  
resolution authorizing the issuance of local ~~government~~ 1843  
communities fund notes and subsequent to the commission's 1844  
preliminary or final approval of the ordinance or resolution, the 1845  
director of law, prosecuting attorney, or other chief legal 1846  
officer of the municipal corporation, county, or township shall 1847  
certify a sample of the form and content of a note to be used to 1848  
issue the local ~~government~~ communities fund notes to the 1849  
commission. The commission shall determine whether the sample note 1850  
is consistent with this section and the ordinance or resolution 1851  
authorizing the issuance of the local ~~government~~ communities fund 1852  
notes, and if the sample note is found to be consistent with this 1853  
section and the ordinance, the commission shall approve the sample 1854

note for use by the municipal corporation, county, or township. 1855

The form and content of the notes to be used by the municipal 1856

corporation, county, or township in issuing the local ~~government~~ 1857

communities fund notes may be modified at any time subsequent to 1858

the commission's approval of the sample note upon the approval of 1859

the commission and the director of law, prosecuting attorney, or 1860

other chief legal officer of the municipal corporation, county, or 1861

township. The failure of the director of law, prosecuting 1862

attorney, or other chief legal officer of the municipal 1863

corporation, county, or township to make the certification 1864

required by this division shall not subject that legal officer to 1865

removal pursuant to the Revised Code or the charter of a municipal 1866

corporation. If the director of law, prosecuting attorney, or 1867

other chief legal officer fails or refuses to make the 1868

certification required by this division, or if any officer of the 1869

municipal corporation, county, or township fails or refuses to 1870

take any action required by this section or the ordinance or 1871

resolution authorizing the issuance or sale of local ~~government~~ 1872

communities fund notes, the mayor of the municipal corporation or 1873

the board of county commissioners or board of township trustees 1874

may cause the commencement of a mandamus action in the supreme 1875

court against the director of law, prosecuting attorney, or other 1876

chief legal officer to secure the certification required by this 1877

division or other action required by this section or the ordinance 1878

or resolution. If an adjudication of the matters that could be 1879

adjudicated in validation proceedings under section 133.70 of the 1880

Revised Code is necessary to a determination of the mandamus 1881

action, the mayor, the board of county commissioners, or the board 1882

of township trustees or the mayor's or board's legal counsel shall 1883

name and cause to be served as defendants to the mandamus action 1884

all of the following: 1885

(1) The director of law, prosecuting attorney, or other chief 1886

legal officer, or other official of the municipal corporation, 1887

county, or township, whose failure or refusal to act necessitated	1888
the action;	1889
(2) The municipal corporation, through its mayor, or the	1890
board of county commissioners or board of township trustees;	1891
(3) The financial planning and supervision commission,	1892
through its chairperson;	1893
(4) The prosecuting attorney and auditor of each county in	1894
which the municipal corporation, county, or township is located,	1895
in whole or in part;	1896
(5) The auditor of state;	1897
(6) The property owners, taxpayers, citizens of the municipal	1898
corporation, county, or township and others having or claiming any	1899
right, title, or interest in any property or funds to be affected	1900
by the issuance of the local <del>government</del> <u>communities</u> fund notes by	1901
the municipal corporation, county, or township, or otherwise	1902
affected in any way thereby.	1903
Service upon all defendants described in division (J)(6) of	1904
this section shall be by publication three times, with at least	1905
six days between each publication, in a newspaper of general	1906
circulation in Franklin county and a newspaper of general	1907
circulation in the county or counties where the municipal	1908
corporation, county, or township is located. The publication and	1909
the notice shall indicate that the nature of the action is in	1910
mandamus, the name of the parties to the action, and that the	1911
action may result in the validation of the subject local	1912
<del>government</del> <u>communities</u> fund notes. Authorization to commence such	1913
an action by the legislative authority of the municipal	1914
corporation, county, or township is not required.	1915
A copy of the complaint in the mandamus action shall be	1916
served personally or by certified mail upon the attorney general.	1917
If the attorney general has reason to believe that the complaint	1918

is defective, insufficient, or untrue, or if in the attorney 1919  
general's opinion the issuance of the local ~~government~~ communities 1920  
fund notes is not lawful or has not been duly authorized, defense 1921  
shall be made to the complaint as the attorney general considers 1922  
proper. 1923

(K) The action in mandamus authorized by division (J) of this 1924  
section shall take priority over all other civil cases pending in 1925  
the court, except habeas corpus, and shall be determined with the 1926  
least possible delay. The supreme court may determine that the 1927  
local ~~government~~ communities fund notes will be consistent with 1928  
the purpose and effects, including not occupying the indirect debt 1929  
limit, provided for in this section and will be validly issued and 1930  
acquired. Such a determination shall include a finding of 1931  
validation of the subject local ~~government~~ communities fund notes 1932  
if the court specifically finds that: 1933

(1) The complaint in mandamus, or subsequent pleadings, 1934  
include appropriate allegations required by division (C) of 1935  
section 133.70 of the Revised Code, and that the proceeding is in 1936  
lieu of an action to validate under section 133.70 of the Revised 1937  
Code; 1938

(2) All parties described in divisions (J)(1) to (6) of this 1939  
section have been duly served with notice or are otherwise 1940  
properly before the court; 1941

(3) Notice of the action has been published as required by 1942  
division (J) of this section; 1943

(4) The effect of validation is required to provide a 1944  
complete review and determination of the controversy in mandamus, 1945  
and to avoid duplication of litigation, danger of inconsistent 1946  
results, or inordinate delay in light of the fiscal emergency, or 1947  
that a disposition in the mandamus action would, as a practical 1948  
matter, be dispositive of any subsequent validation proceedings 1949

under section 133.70 of the Revised Code. 1950

(L) Any decision that includes a finding of validation has 1951  
the same effect as a validation order established by an action 1952  
under section 133.70 of the Revised Code. 1953

(M) Divisions (J) and (K) of this section do not prevent a 1954  
municipal corporation, county, or township from using section 1955  
133.70 of the Revised Code to validate local ~~government~~ 1956  
communities fund notes by the filing of a petition for validation 1957  
in the court of common pleas of the county in which the municipal 1958  
corporation, county, or township is located, in whole or in part. 1959

(N) It is hereby determined by the general assembly that a 1960  
validation action authorized by section 133.70 of the Revised Code 1961  
is not an adequate remedy at law with respect to a municipal 1962  
corporation, county, or township that is a party to a mandamus 1963  
action pursuant to divisions (J) and (K) of this section and in 1964  
which a fiscal emergency condition has been determined to exist 1965  
pursuant to section 118.04 of the Revised Code because of, but not 1966  
limited to, the following reasons: 1967

(1) It is urgently necessary for such a municipal 1968  
corporation, county, or township to take prompt action to issue 1969  
local ~~government~~ communities fund notes for the purposes provided 1970  
in division (C) of this section; 1971

(2) The potentially ruinous effect upon the fiscal condition 1972  
of a municipal corporation, county, or township by the passage of 1973  
the time required to adjudicate such a separate validation action 1974  
and any appeals thereof; 1975

(3) The reasons stated in division (K)(4) of this section. 1976

**Sec. 118.20.** Pursuant to section 118.19 of the Revised Code: 1977

(A) The ordinance or resolution authorizing the debt 1978  
obligations may provide for the pledge of, and covenants to levy, 1979

charge, collect, deposit, and apply ad valorem property taxes, 1980  
income taxes, excises, utility revenues, local ~~government~~ 1981  
communities fund receipts, permit and license fees, and any other 1982  
receipts from taxes, permits, licenses, fines, or other sources of 1983  
revenue of the municipal corporation, county, or township; accrued 1984  
and capitalized interest and premium from the proceeds of the sale 1985  
of the debt obligations, lawfully available for the purpose, to 1986  
the payment of the debt service and costs of issuing, carrying, 1987  
redeeming, and retiring such debt obligations; covenants in 1988  
respect of the establishment, investment, segregation, and 1989  
maintenance of any funds or reserves in connection with the debt 1990  
obligations and any other funds of the municipal corporation, 1991  
county, or township. No pledge may be made in a manner which 1992  
impairs the contract rights of the holders of any outstanding debt 1993  
obligations. 1994

(B) The ordinance or resolution authorizing the debt 1995  
obligations may designate a fiscal agent for the debt obligations, 1996  
or the fiscal agent may be designated by other ordinance or 1997  
resolution of the legislative authority of the municipal 1998  
corporation, county, or township. The fiscal agent may be a 1999  
purchaser of such debt obligations or other debt obligations of 2000  
the municipal corporation, county, or township. 2001

(C) The ordinance or resolution authorizing the debt 2002  
obligations may provide for immediate or periodic deposit of 2003  
pledged receipts or a portion thereof in one or more separate bank 2004  
accounts, funds, or other accounts established with the fiscal 2005  
agent. Provision may be made therein for pledged receipts that are 2006  
collected by the state, the county, the township, or any agency 2007  
for the municipal corporation, county, or township to be 2008  
transferred by the appropriate officer of the state or county or 2009  
agency having charge of the collection or distribution of such 2010  
pledged receipts directly to the fiscal agent for deposit under 2011

the ordinance or resolution. Such officers of the state and county 2012  
or agent shall transfer such pledged receipts in accordance with 2013  
this section and the ordinance. The fiscal agent shall disburse 2014  
funds so held for payments when due in accordance with the 2015  
ordinance or resolution, including the transfer of funds to paying 2016  
agents for the debt obligations at the times and in the amounts 2017  
required. Until needed for such purposes, the fiscal agent shall 2018  
invest the funds on behalf of the municipal corporation, county, 2019  
or township in obligations that are lawful for the investment of 2020  
public funds of the municipal corporation, county, or township, 2021  
including provisions for such investments in a municipal charter, 2022  
in the manner provided for in the ordinance or resolution. Funds 2023  
held by the fiscal agent and all moneys and securities therein and 2024  
pledged receipts payable thereto in accordance with the ordinance 2025  
or resolution are hereby declared to be property of the municipal 2026  
corporation, county, or township devoted to essential governmental 2027  
purposes and accordingly shall not be applied to any purpose other 2028  
than as provided herein and shall not be subject to any order, 2029  
judgment, lien, execution, attachment, setoff, or counterclaim by 2030  
any creditor of the municipal corporation, county, or township 2031  
other than a creditor for whose benefit such fund is established 2032  
and maintained and who is entitled thereto under and pursuant to 2033  
this section. 2034

(D) The ordinance or resolution authorizing the debt 2035  
obligations shall provide that proceeds of the debt obligations 2036  
shall be deposited with a fiscal agent in a special and separate 2037  
bank account and held in trust and expended only for the object or 2038  
purpose for which such debt obligations were issued. A copy of the 2039  
ordinance or resolution authorizing the debt obligations shall be 2040  
filed with such fiscal agent at or prior to the time the proceeds 2041  
are made available to the municipal corporation, county, or 2042  
township. No moneys shall be withdrawn from such account unless 2043  
there is filed with such fiscal agent a written requisition of the 2044

fiscal officer of the municipal corporation, county, or township 2045  
or the fiscal officer's authorized deputy, setting forth the item 2046  
number of the requisition or the account to be charged, the name 2047  
of the person to whom payment is due, the amount to be paid, a 2048  
statement to the effect that the obligation in the stated amount 2049  
has been incurred by the municipal corporation, county, or 2050  
township and is a proper charge against such account, and such 2051  
other information as may be required by the ordinance or 2052  
resolution. Pending such withdrawals, the moneys shall be invested 2053  
for and on behalf of the municipal corporation, county, or 2054  
township by the fiscal agent in obligations which are lawful for 2055  
the investment of public funds of the municipal corporation, 2056  
county, or township, including provisions for such investments in 2057  
a municipal charter, in the manner as provided for in the 2058  
ordinance or resolution. 2059

(E) Amounts held by fiscal agents shall be accounted for in 2060  
the appropriate special funds of the municipal corporation, 2061  
county, or township as if held in the treasury of the municipal 2062  
corporation, county, or township, and the fiscal agents shall 2063  
provide such information to the municipal corporation, county, or 2064  
township as is necessary for the purpose. 2065

(F) The ordinance or resolution authorizing the debt 2066  
obligations may contain covenants of the municipal corporation, 2067  
county, or township to protect and safeguard the security and 2068  
rights of the holders of such debt obligations, and without 2069  
limiting the generality of the foregoing, such ordinance or 2070  
resolution may contain covenants as to: 2071

(1) Establishment and maintenance of the funds to be held by 2072  
fiscal agents as provided in this section and section 118.23 of 2073  
the Revised Code, the times, amounts, and levels for deposits to 2074  
such funds, and the obligations in which the proceeds of such 2075  
funds may be invested pending their use, subject to such 2076

limitations on investment of public funds otherwise provided for 2077  
by law or pursuant to the charter of a municipal corporation; 2078

(2) The appointment, rights, powers, and duties of the fiscal 2079  
agent, including limiting or abrogating the right of the holders 2080  
to appoint a trustee pursuant to section 118.21 of the Revised 2081  
Code and vesting in the fiscal agent all or any of such rights, 2082  
powers, and duties, in trust; 2083

(3) The execution of a credit agreement with the fiscal agent 2084  
for the benefit of holders of such debt obligations and for the 2085  
benefit of any other holders of other debt obligations of the 2086  
municipal corporation, county, or township then outstanding, 2087  
provided, however, that such benefit conferred on such holders of 2088  
such outstanding debt obligations shall not be deemed to restrict, 2089  
preclude, or otherwise impair any rights that such holders 2090  
otherwise may assert; 2091

(4) Filings, review, and correction of tax budgets, 2092  
appropriation measures, annual reports, audits, and other matters 2093  
of financial record; 2094

(5) Compliance with the provisions of this chapter and the 2095  
financial plan and other laws applicable to the municipal 2096  
corporation, county, or township including Chapters 133. and 5705. 2097  
of the Revised Code, and with further restrictions on the powers, 2098  
rights, and duties of the municipal corporation, county, or 2099  
township necessary, appropriate, or desirable for the proper, 2100  
provident, and efficient management of financial affairs that the 2101  
municipal corporation, county, or township, with the approval of 2102  
the commission or, when authorized by the commission, the 2103  
financial supervisor, determines will assure prompt payment when 2104  
due of its debt obligations; 2105

(6) Conditions that would give rise to an event of default 2106  
under the terms of such ordinance and actions and remedies that 2107

the fiscal agent may take or assert on behalf of the holders of 2108  
such debt obligations; 2109

(7) Restrictions on the issuance of other debt obligations. 2110

**Sec. 118.23.** (A) This section shall be applicable to current 2111  
revenue notes approved by the financial planning and supervision 2112  
commission or, when authorized by the commission, the financial 2113  
supervisor pursuant to section 118.15 of the Revised Code and 2114  
issued by a municipal corporation, county, or township pursuant to 2115  
section 133.10 of the Revised Code and this section during a 2116  
fiscal emergency period. 2117

(B) In the case of the issuance of such current revenue notes 2118  
in anticipation of ad valorem property taxes, the county auditors 2119  
of the counties in which the municipal corporation, county, or 2120  
township is located, at the time of and from each distribution to 2121  
the municipality of the proceeds of the anticipated taxes, 2122  
including any payments from the state pursuant to sections 321.24 2123  
and 323.156 of the Revised Code, whether such distribution be in 2124  
the form of an advance or settlement that would otherwise have 2125  
been paid to a fund or funds of the municipal corporation, county, 2126  
or township, shall draw a separate warrant for payment to the 2127  
county auditor for deposit in a special account to be held and 2128  
applied pursuant to this section by the county auditor as fiscal 2129  
agent and entitled "..... (insert name of municipal corporation, 2130  
county, or township) current tax revenue note retirement account," 2131  
that portion of such distribution as provided for in the ordinance 2132  
or resolution authorizing such notes pursuant to this section. 2133

(C) In the case of the issuance of such current revenue notes 2134  
in anticipation of revenues other than ad valorem property taxes, 2135  
the ordinance or resolution authorizing such notes shall provide 2136  
for the times and amounts of deposits with the fiscal agent by the 2137  
municipal corporation, county, or township of moneys from the 2138

revenues anticipated that shall be deposited in a special account 2139  
to be held and applied by the fiscal agent pursuant to this 2140  
section and entitled "..... (insert name of municipal 2141  
corporation, county, or township) current revenue note retirement 2142  
account." Such ordinance or resolution may provide for the direct 2143  
deposit to such account by the auditor of state and the county 2144  
auditor or county auditors of the receiving counties, as 2145  
appropriate, of such portions as therein specified of local 2146  
~~government~~ communities fund distribution to be made to the 2147  
municipal corporation, county, or township. 2148

(D) The moneys in the accounts provided for in divisions (B) 2149  
and (C) of this section are pledged and shall be used, so long as 2150  
any portion of the debt service on such notes payable from the 2151  
respective account is unpaid, solely for the purpose of paying 2152  
such debt service, and for any reserves for debt service provided 2153  
for in the ordinance or resolution authorizing such debt 2154  
obligations. If accumulated payments into either account produce 2155  
an amount less than that needed to make a timely payment of debt 2156  
service or to such reserves, the full amount needed to make up any 2157  
such deficiency shall be paid, in the case of the current tax 2158  
revenue note retirement account, by the county auditor into such 2159  
account from the last distribution or distributions to the 2160  
municipal corporation, county, or township of the proceeds of the 2161  
anticipated taxes to be received prior to the date of such 2162  
payment, and in the case of the current revenue note retirement 2163  
account, by the fiscal officer from the anticipated revenues 2164  
received prior to the date of such payment. 2165

(E) The amounts to be deposited in each respective account 2166  
pursuant to divisions (B), (C), and (D) of this section must be 2167  
sufficient, in time and amount, to pay the principal of and 2168  
interest on current notes payable from such account at their 2169  
stated payment dates and to develop and maintain the required 2170

amounts in any such reserves. 2171

(F) The municipal corporation, county, or township shall not 2172  
be entitled to receive from the fiscal agent any moneys held in 2173  
the current tax revenue note retirement account or current revenue 2174  
note retirement account, except that any surplus moneys remaining 2175  
in either such account after the payment in full of the debt 2176  
service on the notes payable therefrom shall be paid to the 2177  
municipal corporation, county, or township, to be used for any 2178  
lawful purpose of the municipal corporation, county, or township 2179  
for which the anticipated revenues themselves might have been 2180  
used. 2181

(G) Current revenue notes of a municipal corporation, county, 2182  
or township issued during a fiscal emergency period may mature on 2183  
or before the thirty-first day of December of the calendar year in 2184  
which issued, may, when issued in anticipation of the collection 2185  
of current tax revenues, anticipate one-half of the amount that 2186  
the budget commission estimates the subdivision will receive from 2187  
all property taxes that are to be distributed to the subdivision 2188  
from all settlements of taxes that are to be made in the remainder 2189  
of that year, other than taxes to be received for the payment of 2190  
debt charges, and less all advances, and may, if issued during the 2191  
last two months of the calendar year in which the fiscal emergency 2192  
period commenced, anticipate one-half the estimated amount of ad 2193  
valorem property taxes levied in that year for the tax budget of 2194  
the following year which were authorized to be levied by the 2195  
municipal charter or otherwise authorized by vote of the 2196  
electorate of the municipal corporation, county, or township and 2197  
may mature not later than the thirty-first day of December of the 2198  
year following the year in which such notes are issued, 2199  
notwithstanding section 133.10 of the Revised Code. 2200

(H) Pursuant to section 118.19 of the Revised Code, the 2201  
municipal corporation, county, or township may utilize any of the 2202

special provisions of sections 118.20 to 118.22 of the Revised Code in connection with such current revenue notes.

(I) Before any such current revenue notes may be authorized, the municipal corporation, county, or township shall submit to the commission and the commission or, when authorized by the commission, the financial supervisor shall approve:

(1) A schedule of projected revenues and expenses of the municipal corporation, county, or township during the period in which such notes would be outstanding, demonstrating an anticipated cash flow deficit during such period, the amount of such anticipated cash flow deficit, and the necessity for the issuance of such current revenue notes to avoid the occurrence of such a cash flow deficit;

(2) The terms of the proposed notes, including the interest rate or rates to be paid thereon;

(3) The schedule, showing times, amounts, and sources of payment, for deposits into the account from which such notes are to be paid;

(4) Other documents and data required under section 118.15 of the Revised Code.

**Sec. 119.07.** Except when a statute prescribes a notice and the persons to whom it shall be given, in all cases in which section 119.06 of the Revised Code requires an agency to afford an opportunity for a hearing prior to the issuance of an order, the agency shall give notice to the party informing ~~him~~ the party of ~~his~~ the party's right to a hearing. Notice shall be given by registered or certified mail, return receipt requested, and shall include the charges or other reasons for the proposed action, the law or rule directly involved, and a statement informing the party that ~~he~~ the party is entitled to a hearing if ~~he~~ the party

requests it within thirty days of the time of mailing the notice. 2233  
The notice shall also inform the party that at the hearing ~~he~~ the 2234  
party may appear in person, by ~~his~~ the party's attorney, or by 2235  
such other representative as is permitted to practice before the 2236  
agency, or may present ~~his~~ the party's position, arguments, or 2237  
contentions in writing and that at the hearing ~~he~~ the party may 2238  
present evidence and examine witnesses appearing for and against 2239  
~~him~~ the party. A copy of the notice shall be mailed to attorneys 2240  
or other representatives of record representing the party. This 2241  
paragraph does not apply to situations in which such section 2242  
provides for a hearing only when it is requested by the party. 2243

When a statute specifically permits the suspension of a 2244  
license without a prior hearing, notice of the agency's order 2245  
shall be sent to the party by registered or certified mail, return 2246  
receipt requested, not later than the business day next succeeding 2247  
such order. The notice shall state the reasons for the agency's 2248  
action, cite the law or rule directly involved, and state that the 2249  
party will be afforded a hearing if ~~he~~ the party requests it 2250  
within thirty days of the time of mailing the notice. A copy of 2251  
the notice shall be mailed to attorneys or other representatives 2252  
of record representing the party. 2253

Whenever a party requests a hearing in accordance with this 2254  
section and section 119.06 of the Revised Code, the agency shall 2255  
immediately set the date, time, and place for the hearing and 2256  
forthwith notify the party thereof. The date set for the hearing 2257  
shall be within fifteen days, but not earlier than seven days, 2258  
after the party has requested a hearing, unless otherwise agreed 2259  
to by both the agency and the party. 2260

When any notice sent by registered or certified mail, as 2261  
required by sections 119.01 to 119.13 of the Revised Code, is 2262  
returned because of failure of delivery the agency shall send the 2263  
notice by ordinary mail to the party at the party's last known 2264

address and shall obtain a certificate of mailing. Service by 2265  
ordinary mail is complete when the certificate of mailing is 2266  
obtained. If a notice sent by ordinary mail is returned showing 2267  
failure of delivery, the agency shall notify the attorneys or 2268  
other representatives of record representing the party of the 2269  
failure of delivery and serve a copy of the notice upon them, by 2270  
ordinary or registered or certified mail; if ordinary mail is 2271  
used, the agency shall obtain a certificate of mailing. Service 2272  
upon the attorneys or other representatives of record is complete 2273  
when the notice is mailed. If there are no attorneys or other 2274  
representatives of record representing the party, the agency 2275  
either shall make personal delivery of the notice by an employee 2276  
or agent of the agency or shall cause a summary of the substantive 2277  
provisions of the notice to be published once a week for three 2278  
consecutive weeks in a newspaper of general circulation in the 2279  
county where the last known ~~place of residence or business~~ address 2280  
of the party is located. When notice is given by publication, a 2281  
~~copy of the newspaper~~ a proof of publication affidavit, with the 2282  
first publication of the notice ~~marked~~ set forth in the affidavit, 2283  
shall be mailed by ordinary mail to the party at the party's last 2284  
known address and the notice shall be deemed received as of the 2285  
date of the last publication. An employee or agent of the agency 2286  
may make personal delivery of the notice upon a party at any time. 2287

Refusal of delivery by personal service or by mail is not 2288  
failure of delivery. Failure of delivery occurs only when, with 2289  
reasonable diligence, a party cannot be found to make personal 2290  
service of a notice, or if a mailed notice is returned by the 2291  
postal authorities marked undeliverable, addressee unknown, or 2292  
forwarding address unknown or expired. A party's last known 2293  
address is the mailing address of the party appearing in the 2294  
records of the agency. 2295

The failure of an agency to give the notices for any hearing 2296

required by sections 119.01 to 119.13 of the Revised Code in the 2297  
manner provided in this section shall invalidate any order entered 2298  
pursuant to the hearing. 2299

**Sec. 120.33.** (A) In lieu of using a county public defender or 2300  
joint county public defender to represent indigent persons in the 2301  
proceedings set forth in division (A) of section 120.16 of the 2302  
Revised Code, the board of county commissioners of any county may 2303  
adopt a resolution to pay counsel who are either personally 2304  
selected by the indigent person or appointed by the court. The 2305  
resolution shall include those provisions the board of county 2306  
commissioners considers necessary to provide effective 2307  
representation of indigent persons in any proceeding for which 2308  
counsel is provided under this section. The resolution shall 2309  
include provisions for contracts with any municipal corporation 2310  
under which the municipal corporation shall reimburse the county 2311  
for counsel appointed to represent indigent persons charged with 2312  
violations of the ordinances of the municipal corporation. 2313

(1) In a county that adopts a resolution to pay counsel, an 2314  
indigent person shall have the right to do either of the 2315  
following: 2316

(a) To select the person's own personal counsel to represent 2317  
the person in any proceeding included within the provisions of the 2318  
resolution; 2319

(b) To request the court to appoint counsel to represent the 2320  
person in such a proceeding. 2321

(2) The court having jurisdiction over the proceeding in a 2322  
county that adopts a resolution to pay counsel shall, after 2323  
determining that the person is indigent and entitled to legal 2324  
representation under this section, do either of the following: 2325

(a) By signed journal entry recorded on its docket, enter the 2326

name of the lawyer selected by the indigent person as counsel of 2327  
record; 2328

(b) Appoint counsel for the indigent person if the person has 2329  
requested the court to appoint counsel and, by signed journal 2330  
entry recorded on its dockets, enter the name of the lawyer 2331  
appointed for the indigent person as counsel of record. 2332

(3) The board of county commissioners shall establish a 2333  
schedule of fees by case or on an hourly basis to be paid to 2334  
counsel for legal services provided pursuant to a resolution 2335  
adopted under this section. Prior to establishing the schedule, 2336  
the board of county commissioners shall request the bar 2337  
association or associations of the county to submit a proposed 2338  
schedule. The schedule submitted shall be subject to the review, 2339  
amendment, and approval of the board of county commissioners. 2340

(4) Counsel selected by the indigent person or appointed by 2341  
the court at the request of an indigent person in a county that 2342  
adopts a resolution to pay counsel, except for counsel appointed 2343  
to represent a person charged with any violation of an ordinance 2344  
of a municipal corporation that has not contracted with the county 2345  
commissioners for the payment of appointed counsel, shall be paid 2346  
by the county and shall receive the compensation and expenses the 2347  
court approves. Each request for payment shall be accompanied by a 2348  
financial disclosure form and an affidavit of indigency that are 2349  
completed by the indigent person on forms prescribed by the state 2350  
public defender. Compensation and expenses shall not exceed the 2351  
amounts fixed by the board of county commissioners in the schedule 2352  
adopted pursuant to division (A)(3) of this section. No court 2353  
shall approve compensation and expenses that exceed the amount 2354  
fixed pursuant to division (A)(3) of this section. 2355

The fees and expenses approved by the court shall not be 2356  
taxed as part of the costs and shall be paid by the county. 2357  
However, if the person represented has, or may reasonably be 2358

expected to have, the means to meet some part of the cost of the 2359  
services rendered to the person, the person shall pay the county 2360  
an amount that the person reasonably can be expected to pay. 2361  
Pursuant to section 120.04 of the Revised Code, the county shall 2362  
pay to the state public defender a percentage of the payment 2363  
received from the person in an amount proportionate to the 2364  
percentage of the costs of the person's case that were paid to the 2365  
county by the state public defender pursuant to this section. The 2366  
money paid to the state public defender shall be credited to the 2367  
client payment fund created pursuant to division (B)(5) of section 2368  
120.04 of the Revised Code. 2369

The county auditor shall draw a warrant on the county 2370  
treasurer for the payment of counsel in the amount fixed by the 2371  
court, plus the expenses the court fixes and certifies to the 2372  
auditor. The county auditor shall report periodically, but not 2373  
less than annually, to the board of county commissioners and to 2374  
the ~~Ohio state~~ public defender ~~commission~~ the amounts paid out 2375  
pursuant to the approval of the court. The board of county 2376  
commissioners, after review and approval of the auditor's report, 2377  
or the county auditor, with permission from and notice to the 2378  
board of county commissioners, may then certify it to the state 2379  
public defender for reimbursement. If a request for reimbursement 2380  
is not accompanied by a financial disclosure form and an affidavit 2381  
of indigency completed by the indigent person on forms prescribed 2382  
by the state public defender and the court does not certify by 2383  
electronic signature as prescribed by the state public defender 2384  
that a financial disclosure form and affidavit of indigency have 2385  
been completed by the indigent person and are available for 2386  
inspection, the state public defender shall not pay the requested 2387  
reimbursement. If a request for the reimbursement of the cost of 2388  
counsel in any case is not received by the state public defender 2389  
within ninety days after the end of the calendar month in which 2390  
the case is finally disposed of by the court, unless the county 2391

has requested and the state public defender has granted an 2392  
extension of the ninety-day limit, the state public defender shall 2393  
not pay the requested reimbursement. The state public defender 2394  
shall also review the report and, in accordance with the 2395  
standards, guidelines, and maximums established pursuant to 2396  
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 2397  
prepare a voucher for fifty per cent of the total cost of each 2398  
county appointed counsel system in the period of time covered by 2399  
the certified report and a voucher for fifty per cent of the costs 2400  
and expenses that are reimbursable under section 120.35 of the 2401  
Revised Code, if any, or, if the amount of money appropriated by 2402  
the general assembly to reimburse counties for the operation of 2403  
county public defender offices, joint county public defender 2404  
offices, and county appointed counsel systems is not sufficient to 2405  
pay fifty per cent of the total cost of all of the offices and 2406  
systems other than costs and expenses that are reimbursable under 2407  
section 120.35 of the Revised Code, for the lesser amount required 2408  
by section 120.34 of the Revised Code. 2409

(5) If any county appointed counsel system fails to maintain 2410  
the standards for the conduct of the system established by the 2411  
rules of the Ohio public defender commission pursuant to divisions 2412  
(B) and (C) of section 120.03 or the standards established by the 2413  
state public defender pursuant to division (B)(7) of section 2414  
120.04 of the Revised Code, the Ohio public defender commission 2415  
shall notify the board of county commissioners of the county that 2416  
the county appointed counsel system has failed to comply with its 2417  
rules or the standards of the state public defender. Unless the 2418  
board of county commissioners corrects the conduct of its 2419  
appointed counsel system to comply with the rules and standards 2420  
within ninety days after the date of the notice, the state public 2421  
defender may deny all or part of the county's reimbursement from 2422  
the state provided for in division (A)(4) of this section. 2423

(B) In lieu of using a county public defender or joint county public defender to represent indigent persons in the proceedings set forth in division (A) of section 120.16 of the Revised Code, and in lieu of adopting the resolution and following the procedure described in division (A) of this section, the board of county commissioners of any county may contract with the state public defender for the state public defender's legal representation of indigent persons. A contract entered into pursuant to this division may provide for payment for the services provided on a per case, hourly, or fixed contract basis.

(C) If a court appoints an attorney pursuant to this section 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, the attorney who represents the petitioner in the proceeding pursuant to the appointment 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.

Sec. 122.051. There is hereby created in the state treasury the international trade cooperative projects fund. The fund shall consist of moneys received from private and nonprofit organizations involved in cooperative agreements related to import/export and direct foreign investment activities and cash transfers from other state agencies or any state or local government to encourage, promote, and assist trade and commerce between this state and foreign nations, pursuant to section 122.05 and division (E) of section 122.04 of the Revised Code.

Sec. 122.071. There is hereby created in the state treasury the travel and tourism cooperative projects fund consisting of all grants, gifts, and contributions made to the director of

development for marketing and promotion of travel and tourism 2455  
within this state pursuant to division (F) of section 122.04 and 2456  
section 122.07 of the Revised Code. 2457

Sec. 122.076. There is hereby created in the state treasury 2458  
the energy projects fund consisting of nonfederal revenue that is 2459  
remitted to the director of development for the purpose of energy 2460  
projects. Money in the fund shall be used by the department of 2461  
development for energy projects and to pay the costs incurred in 2462  
administering the energy projects. 2463

**Sec. 122.17.** (A) As used in this section: 2464

(1) "Full-time employee" means an individual who is employed 2465  
for consideration for at least an average of thirty-five hours a 2466  
week or who renders any other standard of service generally 2467  
accepted by custom or specified by contract as full-time 2468  
employment, or who is employed for consideration for such time or 2469  
renders such service but is on active duty reserve or Ohio 2470  
national guard service. 2471

(2) "New employee" means one of the following: 2472

(a) A full-time employee first employed by a taxpayer in the 2473  
project that is the subject of the agreement after the taxpayer 2474  
enters into a tax credit agreement with the tax credit authority 2475  
under this section; 2476

(b) A full-time employee first employed by a taxpayer in the 2477  
project that is the subject of the tax credit after the tax credit 2478  
authority approves a project for a tax credit under this section 2479  
in a public meeting, as long as the taxpayer enters into the tax 2480  
credit agreement prepared by the department of development after 2481  
such meeting within sixty days after receiving the agreement from 2482  
the department. If the taxpayer fails to enter into the agreement 2483  
within sixty days, "new employee" has the same meaning as under 2484

division (A)(2)(a) of this section. A full-time employee may be 2485  
considered a "new employee" of a taxpayer, despite previously 2486  
having been employed by a related member of the taxpayer, if all 2487  
of the following apply: 2488

(i) The related member is a party to the tax credit agreement 2489  
at the time the employee is first employed with the taxpayer; 2490

(ii) The related member will remain subject to the tax 2491  
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2492  
under Chapter 5751. of the Revised Code for the remainder of the 2493  
term of the tax credit, and the tax credit is taken against 2494  
liability for that same tax through the remainder of the term of 2495  
the tax credit; and 2496

(iii) The employee was considered a new employee of the 2497  
related member prior to employment with the taxpayer. 2498

Under division (A)(2)(a) or (b) of this section, if the tax 2499  
credit authority determines it appropriate, "new employee" also 2500  
may include an employee re-hired or called back from lay-off to 2501  
work in a new facility or on a new product or service established 2502  
or produced by the taxpayer after entering into the agreement 2503  
under this section or after the tax credit authority approves the 2504  
tax credit in a public meeting. Except as otherwise provided in 2505  
this paragraph, "new employee" does not include any employee of 2506  
the taxpayer who was previously employed in this state by a 2507  
related member of the taxpayer and whose employment was shifted to 2508  
the taxpayer after the taxpayer entered into the tax credit 2509  
agreement or after the tax credit authority approved the credit in 2510  
a public meeting, or any employee of the taxpayer for which the 2511  
taxpayer has been granted a certificate under division (B) of 2512  
section 5709.66 of the Revised Code. However, if the taxpayer is 2513  
engaged in the enrichment and commercialization of uranium or 2514  
uranium products or is engaged in research and development 2515  
activities related thereto and if the tax credit authority 2516

determines it appropriate, "new employee" may include an employee 2517  
of the taxpayer who was previously employed in this state by a 2518  
related member of the taxpayer and whose employment was shifted to 2519  
the taxpayer after the taxpayer entered into the tax credit 2520  
agreement or after the tax credit authority approved the credit in 2521  
a public meeting. "New employee" does not include an employee of 2522  
the taxpayer who is employed in an employment position that was 2523  
relocated to a project from other operations of the taxpayer in 2524  
this state or from operations of a related member of the taxpayer 2525  
in this state. In addition, "new employee" does not include a 2526  
child, grandchild, parent, or spouse, other than a spouse who is 2527  
legally separated from the individual, of any individual who is an 2528  
employee of the taxpayer and who has a direct or indirect 2529  
ownership interest of at least five per cent in the profits, 2530  
capital, or value of the taxpayer. Such ownership interest shall 2531  
be determined in accordance with section 1563 of the Internal 2532  
Revenue Code and regulations prescribed thereunder. 2533

(3) "New income tax revenue" means the total amount withheld 2534  
under section 5747.06 of the Revised Code by the taxpayer during 2535  
the taxable year, or during the calendar year that includes the 2536  
tax period, from the compensation of new employees for the tax 2537  
levied under Chapter 5747. of the Revised Code. 2538

(4) "Related member" has the same meaning as under division 2539  
(A)(6) of section 5733.042 of the Revised Code without regard to 2540  
division (B) of that section. 2541

(B) The tax credit authority may make grants under this 2542  
section to foster job creation in this state. Such a grant shall 2543  
take the form of a refundable credit allowed against the tax 2544  
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2545  
under Chapter 5751. of the Revised Code. The credit shall be 2546  
claimed for the taxable years or tax periods specified in the 2547  
taxpayer's agreement with the tax credit authority under division 2548

(D) of this section. With respect to taxes imposed under section 2549  
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 2550  
credit shall be claimed in the order required under section 2551  
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 2552  
the credit available for a taxable year or for a calendar year 2553  
that includes a tax period equals the new income tax revenue for 2554  
that year multiplied by the percentage specified in the agreement 2555  
with the tax credit authority. Any credit granted under this 2556  
section against the tax imposed by section 5733.06 or 5747.02 of 2557  
the Revised Code, to the extent not fully utilized against such 2558  
tax for taxable years ending prior to 2008, shall automatically be 2559  
converted without any action taken by the tax credit authority to 2560  
a credit against the tax levied under Chapter 5751. of the Revised 2561  
Code for tax periods beginning on or after July 1, 2008, provided 2562  
that the person to whom the credit was granted is subject to such 2563  
tax. The converted credit shall apply to those calendar years in 2564  
which the remaining taxable years specified in the agreement end. 2565

(C) A taxpayer or potential taxpayer who proposes a project 2566  
to create new jobs in this state may apply to the tax credit 2567  
authority to enter into an agreement for a tax credit under this 2568  
section. The director of development shall prescribe the form of 2569  
the application. After receipt of an application, the authority 2570  
may enter into an agreement with the taxpayer for a credit under 2571  
this section if it determines all of the following: 2572

(1) The taxpayer's project will create new jobs in this 2573  
state; 2574

(2) The taxpayer's project is economically sound and will 2575  
benefit the people of this state by increasing opportunities for 2576  
employment and strengthening the economy of this state; 2577

(3) Receiving the tax credit is a major factor in the 2578  
taxpayer's decision to go forward with the project. 2579

(D) An agreement under this section shall include all of the	2580
following:	2581
(1) A detailed description of the project that is the subject	2582
of the agreement;	2583
(2) The term of the tax credit, which shall not exceed	2584
fifteen years, and the first taxable year, or first calendar year	2585
that includes a tax period, for which the credit may be claimed;	2586
(3) A requirement that the taxpayer shall maintain operations	2587
at the project location for at least twice the number of years as	2588
the term of the tax credit;	2589
(4) The percentage, as determined by the tax credit	2590
authority, of new income tax revenue that will be allowed as the	2591
amount of the credit for each taxable year or for each calendar	2592
year that includes a tax period;	2593
(5) A specific method for determining how many new employees	2594
are employed during a taxable year or during a calendar year that	2595
includes a tax period;	2596
(6) A requirement that the taxpayer annually shall report to	2597
the director of development the number of new employees, the new	2598
income tax revenue withheld in connection with the new employees,	2599
and any other information the director needs to perform the	2600
director's duties under this section;	2601
(7) A requirement that the director of development annually	2602
shall verify the amounts reported under division (D)(6) of this	2603
section, and after doing so shall issue a certificate to the	2604
taxpayer stating that the amounts have been verified;	2605
(8)(a) A provision requiring that the taxpayer, except as	2606
otherwise provided in division (D)(8)(b) of this section, shall	2607
not relocate employment positions from elsewhere in this state to	2608
the project site that is the subject of the agreement for the	2609

lesser of five years from the date the agreement is entered into 2610  
or the number of years the taxpayer is entitled to claim the tax 2611  
credit. 2612

(b) The taxpayer may relocate employment positions from 2613  
elsewhere in this state to the project site that is the subject of 2614  
the agreement if the director of development determines both of 2615  
the following: 2616

(i) That the site from which the employment positions would 2617  
be relocated is inadequate to meet market and industry conditions, 2618  
expansion plans, consolidation plans, or other business 2619  
considerations affecting the taxpayer; 2620

(ii) That the legislative authority of the county, township, 2621  
or municipal corporation from which the employment positions would 2622  
be relocated has been notified of the relocation. 2623

For purposes of this section, the movement of an employment 2624  
position from one political subdivision to another political 2625  
subdivision shall be considered a relocation of an employment 2626  
position, but the transfer of an individual employee from one 2627  
political subdivision to another political subdivision shall not 2628  
be considered a relocation of an employment position as long as 2629  
the individual's employment position in the first political 2630  
subdivision is refilled. 2631

(E) If a taxpayer fails to meet or comply with any condition 2632  
or requirement set forth in a tax credit agreement, the tax credit 2633  
authority may amend the agreement to reduce the percentage or term 2634  
of the tax credit. The reduction of the percentage or term shall 2635  
take effect (1) in the taxable year immediately following the 2636  
taxable year in which the authority amends the agreement or the 2637  
director of development notifies the taxpayer in writing of such 2638  
failure, or (2) in the first tax period beginning in the calendar 2639  
year immediately following the calendar year in which the 2640

authority amends the agreement or the director notifies the taxpayer in writing of such failure. If the taxpayer fails to annually report any of the information required by division (D)(6) of this section within the time required by the director, the reduction of the percentage or term may take effect in the current taxable year. If the taxpayer relocates employment positions in violation of the provision required under division (D)(8)(a) of this section, the taxpayer shall not claim the tax credit under section 5733.0610 of the Revised Code for any tax years following the calendar year in which the relocation occurs, or shall not claim the tax credit under section 5725.32, 5729.032, or 5747.058 of the Revised Code for the taxable year in which the relocation occurs and any subsequent taxable years, and shall not claim the tax credit under division (A) of section 5751.50 of the Revised Code for any tax period in the calendar year in which the relocation occurs and any subsequent tax periods.

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

(G) Financial statements and other information submitted to the department of development or the tax credit authority by an applicant or recipient of a tax credit under this section, and any

information taken for any purpose from such statements or 2673  
information, are not public records subject to section 149.43 of 2674  
the Revised Code. However, the chairperson of the authority may 2675  
make use of the statements and other information for purposes of 2676  
issuing public reports or in connection with court proceedings 2677  
concerning tax credit agreements under this section. Upon the 2678  
request of the tax commissioner or, if the applicant or recipient 2679  
is an insurance company, upon the request of the superintendent of 2680  
insurance, the chairperson of the authority shall provide to the 2681  
commissioner or superintendent any statement or information 2682  
submitted by an applicant or recipient of a tax credit in 2683  
connection with the credit. The commissioner or superintendent 2684  
shall preserve the confidentiality of the statement or 2685  
information. 2686

(H) A taxpayer claiming a credit under this section shall 2687  
submit to the tax commissioner or, if the taxpayer is an insurance 2688  
company, to the superintendent of insurance, a copy of the 2689  
director of development's certificate of verification under 2690  
division (D)(7) of this section with the taxpayer's tax report or 2691  
return for the taxable year or for the calendar year that includes 2692  
the tax period. Failure to submit a copy of the certificate with 2693  
the report or return does not invalidate a claim for a credit if 2694  
the taxpayer submits a copy of the certificate to the commissioner 2695  
or superintendent within sixty days after the commissioner or 2696  
superintendent requests it. 2697

(I) The director of development, after consultation with the 2698  
tax commissioner and the superintendent of insurance and in 2699  
accordance with Chapter 119. of the Revised Code, shall adopt 2700  
rules necessary to implement this section. The rules may provide 2701  
for recipients of tax credits under this section to be charged 2702  
fees to cover administrative costs of the tax credit program. The 2703  
fees collected shall be credited to the tax incentive programs 2704

operating fund created in section 122.174 of the Revised Code. At 2705  
the time the director gives public notice under division (A) of 2706  
section 119.03 of the Revised Code of the adoption of the rules, 2707  
the director shall submit copies of the proposed rules to the 2708  
chairpersons of the standing committees on economic development in 2709  
the senate and the house of representatives. 2710

(J) For the purposes of this section, a taxpayer may include 2711  
a partnership, a corporation that has made an election under 2712  
subchapter S of chapter one of subtitle A of the Internal Revenue 2713  
Code, or any other business entity through which income flows as a 2714  
distributive share to its owners. ~~A credit received under this~~ 2715  
~~section by a~~ partnership, S-corporation, or other such business 2716  
entity ~~shall be apportioned among~~ may elect to pass the credit 2717  
received under this section through to the persons to whom the 2718  
income or profit of the partnership, S-corporation, or other 2719  
entity is distributed~~7~~. The election shall be made on the annual 2720  
report required under division (D)(6) of this section. The 2721  
election applies to and is irrevocable for the credit for which 2722  
the report is submitted. If the election is made, the credit shall 2723  
be apportioned among those persons in the same proportions as 2724  
those in which the income or profit is distributed. 2725

(K) If the director of development determines that a taxpayer 2726  
who has received a credit under this section is not complying with 2727  
the requirement under division (D)(3) of this section, the 2728  
director shall notify the tax credit authority of the 2729  
noncompliance. After receiving such a notice, and after giving the 2730  
taxpayer an opportunity to explain the noncompliance, the tax 2731  
credit authority may require the taxpayer to refund to this state 2732  
a portion of the credit in accordance with the following: 2733

(1) If the taxpayer maintained operations at the project 2734  
location for at least one and one-half times the number of years 2735  
of the term of the tax credit, an amount not exceeding twenty-five 2736

per cent of the sum of any previously allowed credits under this section; 2737  
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(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; 2739  
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(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. 2743  
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In determining the portion of the tax credit to be refunded to this state, the tax credit authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or superintendent of insurance, as appropriate. If the amount is certified to the commissioner, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. If the amount is certified to the superintendent, the superintendent shall make an assessment for that amount against the taxpayer under Chapter 5725. or 5729. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the commissioner or superintendent, as appropriate, shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded. 2747  
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(L) On or before the thirty-first day of March each year, the director of development shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives on the tax credit program under this section. The report shall include information on the number of agreements that 2764  
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were entered into under this section during the preceding calendar 2769  
year, a description of the project that is the subject of each 2770  
such agreement, and an update on the status of projects under 2771  
agreements entered into before the preceding calendar year. 2772

(M) There is hereby created the tax credit authority, which 2773  
consists of the director of development and four other members 2774  
appointed as follows: the governor, the president of the senate, 2775  
and the speaker of the house of representatives each shall appoint 2776  
one member who shall be a specialist in economic development; the 2777  
governor also shall appoint a member who is a specialist in 2778  
taxation. Of the initial appointees, the members appointed by the 2779  
governor shall serve a term of two years; the members appointed by 2780  
the president of the senate and the speaker of the house of 2781  
representatives shall serve a term of four years. Thereafter, 2782  
terms of office shall be for four years. Initial appointments to 2783  
the authority shall be made within thirty days after January 13, 2784  
1993. Each member shall serve on the authority until the end of 2785  
the term for which the member was appointed. Vacancies shall be 2786  
filled in the same manner provided for original appointments. Any 2787  
member appointed to fill a vacancy occurring prior to the 2788  
expiration of the term for which the member's predecessor was 2789  
appointed shall hold office for the remainder of that term. 2790  
Members may be reappointed to the authority. Members of the 2791  
authority shall receive their necessary and actual expenses while 2792  
engaged in the business of the authority. The director of 2793  
development shall serve as chairperson of the authority, and the 2794  
members annually shall elect a vice-chairperson from among 2795  
themselves. Three members of the authority constitute a quorum to 2796  
transact and vote on the business of the authority. The majority 2797  
vote of the membership of the authority is necessary to approve 2798  
any such business, including the election of the vice-chairperson. 2799

The director of development may appoint a professional 2800

employee of the department of development to serve as the 2801  
director's substitute at a meeting of the authority. The director 2802  
shall make the appointment in writing. In the absence of the 2803  
director from a meeting of the authority, the appointed substitute 2804  
shall serve as chairperson. In the absence of both the director 2805  
and the director's substitute from a meeting, the vice-chairperson 2806  
shall serve as chairperson. 2807

(N) For purposes of the credits granted by this section 2808  
against the taxes imposed under sections 5725.18 and 5729.03 of 2809  
the Revised Code, "taxable year" means the period covered by the 2810  
taxpayer's annual statement to the superintendent of insurance. 2811

**Sec. 122.171.** (A) As used in this section: 2812

(1) "Capital investment project" means a plan of investment 2813  
at a project site for the acquisition, construction, renovation, 2814  
or repair of buildings, machinery, or equipment, or for 2815  
capitalized costs of basic research and new product development 2816  
determined in accordance with generally accepted accounting 2817  
principles, but does not include any of the following: 2818

(a) Payments made for the acquisition of personal property 2819  
through operating leases; 2820

(b) Project costs paid before January 1, 2002; 2821

(c) Payments made to a related member as defined in section 2822  
5733.042 of the Revised Code or to an elected consolidated 2823  
taxpayer or a combined taxpayer as defined in section 5751.01 of 2824  
the Revised Code. 2825

(2) "Eligible business" means a business with Ohio operations 2826  
satisfying all of the following: 2827

(a) Employed an average of at least one thousand employees in 2828  
full-time employment positions at a project site during each of 2829  
the twelve months preceding the application for a tax credit under 2830

this section; and 2831

(b) On or after January 1, 2002, has made payments for the 2832  
capital investment project of either of the following: 2833

(i) At least two hundred million dollars in the aggregate at 2834  
the project site during a period of three consecutive calendar 2835  
years including the calendar year that includes a day of the 2836  
taxpayer's taxable year or tax period with respect to which the 2837  
credit is granted; 2838

(ii) If the average wage of all full-time employment 2839  
positions at the project site is greater than four hundred per 2840  
cent of the federal minimum wage, at least one hundred million 2841  
dollars in the aggregate at the project site during a period of 2842  
three consecutive calendar years including the calendar year that 2843  
includes a day of the taxpayer's taxable year or tax period with 2844  
respect to which the credit is granted. 2845

(c) Is engaged at the project site primarily as a 2846  
manufacturer or is providing significant corporate administrative 2847  
functions; 2848

(d) Has had a capital investment project reviewed and 2849  
approved by the tax credit authority as provided in divisions (C), 2850  
(D), and (E) of this section. 2851

(3) "Full-time employment position" means a position of 2852  
employment for consideration for at least an average of 2853  
thirty-five hours a week that has been filled for at least one 2854  
hundred eighty days immediately preceding the filing of an 2855  
application under this section and for at least one hundred eighty 2856  
days during each taxable year or each calendar year that includes 2857  
a tax period with respect to which the credit is granted, or is 2858  
employed in such position for consideration for such time, but is 2859  
on active duty reserve or Ohio national guard service. 2860

(4) "Manufacturer" has the same meaning as in section 2861

5739.011 of the Revised Code.	2862
(5) "Project site" means an integrated complex of facilities	2863
in this state, as specified by the tax credit authority under this	2864
section, within a fifteen-mile radius where a taxpayer is	2865
primarily operating as an eligible business.	2866
(6) "Applicable corporation" means a corporation satisfying	2867
all of the following:	2868
(a)(i) For the entire taxable year immediately preceding the	2869
tax year, the corporation develops software applications primarily	2870
to provide telecommunication billing and information services	2871
through outsourcing or licensing to domestic or international	2872
customers.	2873
(ii) Sales and licensing of software generated at least six	2874
hundred million dollars in revenue during the taxable year	2875
immediately preceding the tax year the corporation is first	2876
entitled to claim the credit provided under division (B) of this	2877
section.	2878
(b) For the entire taxable year immediately preceding the tax	2879
year, the corporation or one or more of its related members	2880
provides customer or employee care and technical support for	2881
clients through one or more contact centers within this state, and	2882
the corporation and its related members together have a daily	2883
average, based on a three-hundred-sixty-five-day year, of at least	2884
five hundred thousand successful customer contacts through one or	2885
more of their contact centers, wherever located.	2886
(c) The corporation is eligible for the credit under division	2887
(B) of this section for the tax year.	2888
(7) "Related member" has the same meaning as in section	2889
5733.042 of the Revised Code as that section existed on the	2890
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd	2891
general assembly, September 29, 1997.	2892

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

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

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

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

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

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

business a nonrefundable credit against the tax imposed by section 2924  
5733.06 or 5747.02 of the Revised Code for a period up to fifteen 2925  
taxable years and against the tax levied by Chapter 5751. of the 2926  
Revised Code for a period of up to fifteen calendar years. The 2927  
credit shall be in an amount not exceeding seventy-five per cent 2928  
of the Ohio income tax withheld from the employees of the eligible 2929  
business occupying full-time employment positions at the project 2930  
site during the calendar year that includes the last day of such 2931  
business' taxable year or tax period with respect to which the 2932  
credit is granted. The amount of the credit shall not be based on 2933  
the Ohio income tax withheld from full-time employees for a 2934  
calendar year prior to the calendar year in which the minimum 2935  
investment requirement referred to in division (A)(2)(b) of this 2936  
section is completed. The credit shall be claimed only for the 2937  
taxable years or tax periods specified in the eligible business' 2938  
agreement with the tax credit authority under division (E) of this 2939  
section, but in no event shall the credit be claimed for a taxable 2940  
year or tax period terminating before the date specified in the 2941  
agreement. Any credit granted under this section against the tax 2942  
imposed by section 5733.06 or 5747.02 of the Revised Code, to the 2943  
extent not fully utilized against such tax for taxable years 2944  
ending prior to 2008, shall automatically be converted without any 2945  
action taken by the tax credit authority to a credit against the 2946  
tax levied under Chapter 5751. of the Revised Code for tax periods 2947  
beginning on or after July 1, 2008, provided that the person to 2948  
whom the credit was granted is subject to such tax. The converted 2949  
credit shall apply to those calendar years in which the remaining 2950  
taxable years specified in the agreement end. 2951

The credit computed under this division is in addition to any 2952  
credit allowed under division (M) of this section which the tax 2953  
credit authority may also include in the agreement. 2954

Any unused portion of a tax credit may be carried forward for 2955

not more than three additional years after the year for which the 2956  
credit is granted. 2957

(C) A taxpayer that proposes a capital investment project to 2958  
retain jobs in this state may apply to the tax credit authority to 2959  
enter into an agreement for a tax credit under this section. The 2960  
director of development shall prescribe the form of the 2961  
application. After receipt of an application, the authority shall 2962  
forward copies of the application to the director of budget and 2963  
management, the tax commissioner, and the director of development, 2964  
each of whom shall review the application to determine the 2965  
economic impact the proposed project would have on the state and 2966  
the affected political subdivisions and shall submit a summary of 2967  
their determinations and recommendations to the authority. 2968

(D) Upon review of the determinations and recommendations 2969  
described in division (C) of this section, the tax credit 2970  
authority may enter into an agreement with the taxpayer for a 2971  
credit under this section if the authority determines all of the 2972  
following: 2973

(1) The taxpayer's capital investment project will result in 2974  
the retention of full-time employment positions in this state. 2975

(2) The taxpayer is economically sound and has the ability to 2976  
complete the proposed capital investment project. 2977

(3) The taxpayer intends to and has the ability to maintain 2978  
operations at the project site for at least twice the term of the 2979  
credit. 2980

(4) Receiving the credit is a major factor in the taxpayer's 2981  
decision to begin, continue with, or complete the project. 2982

(5) The political subdivisions in which the project is 2983  
located have agreed to provide substantial financial support to 2984  
the project. 2985

(E) An agreement under this section shall include all of the following:	2986 2987
(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.	2988 2989 2990 2991
(2) The method of calculating the number of full-time employment positions as specified in division (A)(3) of this section.	2992 2993 2994
(3) The term and percentage of the tax credit, and the first year for which the credit may be claimed.	2995 2996
(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.	2997 2998 2999
(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.	3000 3001 3002 3003 3004 3005 3006
(6) A requirement that the taxpayer annually report to the director of development the number of full-time employment positions subject to the credit, the amount of tax withheld from employees in those positions, the amount of the payments made for the capital investment project, and any other information the director needs to perform the director's duties under this section.	3007 3008 3009 3010 3011 3012 3013
(7) A requirement that the director of development annually review the annual reports of the taxpayer to verify the information reported under division (E)(6) of this section and	3014 3015 3016

compliance with the agreement. Upon verification, the director 3017  
shall issue a certificate to the taxpayer stating that the 3018  
information has been verified and identifying the amount of the 3019  
credit for the taxable year. Unless otherwise specified by the tax 3020  
credit authority in a resolution and included as part of the 3021  
agreement, the director shall not issue a certificate for any year 3022  
in which the total number of filled full-time employment positions 3023  
for each day of the calendar year divided by three hundred 3024  
sixty-five is less than ninety per cent of the full-time 3025  
employment positions specified in division (E)(5) of this section. 3026  
In determining the number of full-time employment positions, no 3027  
position shall be counted that is filled by an employee who is 3028  
included in the calculation of a tax credit under section 122.17 3029  
of the Revised Code. 3030

(8)(a) A provision requiring that the taxpayer, except as 3031  
otherwise provided in division (E)(8)(b) of this section, shall 3032  
not relocate employment positions from elsewhere in this state to 3033  
the project site that is the subject of the agreement for the 3034  
lesser of five years from the date the agreement is entered into 3035  
or the number of years the taxpayer is entitled to claim the 3036  
credit. 3037

(b) The taxpayer may relocate employment positions from 3038  
elsewhere in this state to the project site that is the subject of 3039  
the agreement if the director of development determines both of 3040  
the following: 3041

(i) That the site from which the employment positions would 3042  
be relocated is inadequate to meet market and industry conditions, 3043  
expansion plans, consolidation plans, or other business 3044  
considerations affecting the taxpayer; 3045

(ii) That the legislative authority of the county, township, 3046  
or municipal corporation from which the employment positions would 3047  
be relocated has been notified of the relocation. 3048

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

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

(F) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the credit. The reduction of the percentage or term shall take effect (1) in the taxable year immediately following the taxable year in which the authority amends the agreement or the director of development notifies the taxpayer in writing of such failure, or (2) in the first tax period beginning in the calendar year immediately following the calendar year in which the authority amends the agreement or the director notifies the taxpayer in writing of such failure. If the taxpayer fails to annually report any of the information required by division (E)(6) of this section within the time required by the director, the reduction of the percentage or term may take effect in the current taxable year. If the taxpayer relocates employment positions in violation of the provision required under division (D)(8)(a) of this section, the taxpayer shall not claim the tax credit under section 5733.0610 of the Revised Code for any tax years following the calendar year in which the relocation occurs, shall not claim the tax credit under section 5747.058 of the Revised Code for the taxable year in which

the relocation occurs and any subsequent taxable years, and shall 3081  
not claim the tax credit under division (A) of section 5751.50 of 3082  
the Revised Code for the tax period in which the relocation occurs 3083  
and any subsequent tax periods. 3084

(G) Financial statements and other information submitted to 3085  
the department of development or the tax credit authority by an 3086  
applicant for or recipient of a tax credit under this section, and 3087  
any information taken for any purpose from such statements or 3088  
information, are not public records subject to section 149.43 of 3089  
the Revised Code. However, the chairperson of the authority may 3090  
make use of the statements and other information for purposes of 3091  
issuing public reports or in connection with court proceedings 3092  
concerning tax credit agreements under this section. Upon the 3093  
request of the tax commissioner, the chairperson of the authority 3094  
shall provide to the commissioner any statement or other 3095  
information submitted by an applicant for or recipient of a tax 3096  
credit in connection with the credit. The commissioner shall 3097  
preserve the confidentiality of the statement or other 3098  
information. 3099

(H) A taxpayer claiming a tax credit under this section shall 3100  
submit to the tax commissioner a copy of the director of 3101  
development's certificate of verification under division (E)(7) of 3102  
this section with the taxpayer's tax report or return for the 3103  
taxable year or for the calendar year that includes the tax 3104  
period. Failure to submit a copy of the certificate with the 3105  
report or return does not invalidate a claim for a credit if the 3106  
taxpayer submits a copy of the certificate to the commissioner 3107  
within sixty days after the commissioner requests it. 3108

(I) For the purposes of this section, a taxpayer may include 3109  
a partnership, a corporation that has made an election under 3110  
subchapter S of chapter one of subtitle A of the Internal Revenue 3111  
Code, or any other business entity through which income flows as a 3112

distributive share to its owners. A ~~tax credit received under this~~ 3113  
~~section by a~~ partnership, S-corporation, or other such business 3114  
entity ~~shall be apportioned among~~ may elect to pass the credit 3115  
received under this section through to the persons to whom the 3116  
income or profit of the partnership, S-corporation, or other 3117  
entity is distributed<sup>7</sup>. The election shall be made on the annual 3118  
report required under division (E)(6) of this section. The 3119  
election applies to and is irrevocable for the credit for which 3120  
the report is submitted. If the election is made, the credit shall 3121  
be apportioned among those persons in the same proportions as 3122  
those in which the income or profit is distributed. 3123

(J) If the director of development determines that a taxpayer 3124  
that received a tax credit under this section is not complying 3125  
with the requirement under division (E)(4) of this section, the 3126  
director shall notify the tax credit authority of the 3127  
noncompliance. After receiving such a notice, and after giving the 3128  
taxpayer an opportunity to explain the noncompliance, the 3129  
authority may terminate the agreement and require the taxpayer to 3130  
refund to the state all or a portion of the credit claimed in 3131  
previous years, as follows: 3132

(1) If the taxpayer maintained operations at the project site 3133  
for less than the term of the credit, the amount required to be 3134  
refunded shall not exceed the amount of any tax credits previously 3135  
allowed and received under this section. 3136

(2) If the taxpayer maintained operations at the project site 3137  
longer than the term of the credit but less than one and one-half 3138  
times the term of the credit, the amount required to be refunded 3139  
shall not exceed fifty per cent of the sum of any tax credits 3140  
previously allowed and received under this section. 3141

(3) If the taxpayer maintained operations at the project site 3142  
for at least one and one-half times the term of the credit but 3143  
less than twice the term of the credit, the amount required to be 3144

refunded shall not exceed twenty-five per cent of the sum of any 3145  
tax credits previously allowed and received under this section. 3146

In determining the portion of the credit to be refunded to 3147  
this state, the authority shall consider the effect of market 3148  
conditions on the taxpayer's project and whether the taxpayer 3149  
continues to maintain other operations in this state. After making 3150  
the determination, the authority shall certify the amount to be 3151  
refunded to the tax commissioner. The commissioner shall make an 3152  
assessment for that amount against the taxpayer under Chapter 3153  
5733., 5747., or 5751. of the Revised Code. The time limitations 3154  
on assessments under those chapters do not apply to an assessment 3155  
under this division, but the commissioner shall make the 3156  
assessment within one year after the date the authority certifies 3157  
to the commissioner the amount to be refunded. 3158

If the director of development determines that a taxpayer 3159  
that received a tax credit under this section has reduced the 3160  
number of employees agreed to under division (E)(5) of this 3161  
section by more than ten per cent, the director shall notify the 3162  
tax credit authority of the noncompliance. After receiving such 3163  
notice, and after providing the taxpayer an opportunity to explain 3164  
the noncompliance, the authority may amend the agreement to reduce 3165  
the percentage or term of the tax credit. The reduction in the 3166  
percentage or term shall take effect in the taxable year, or in 3167  
the calendar year that includes the tax period, in which the 3168  
authority amends the agreement. 3169

(K) The director of development, after consultation with the 3170  
tax commissioner and in accordance with Chapter 119. of the 3171  
Revised Code, shall adopt rules necessary to implement this 3172  
section. The rules may provide for recipients of tax credits under 3173  
this section to be charged fees to cover administrative costs of 3174  
the tax credit program. The fees collected shall be credited to 3175  
the tax incentive programs operating fund created in section 3176

122.174 of the Revised Code. At the time the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons of the standing committees on economic development in the senate and the house of representatives.

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

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

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

Sec. 122.174. There is hereby created in the state treasury 3208  
the tax incentive programs operating fund. Money collected 3209  
pursuant to division (I) of section 121.17, division (K) of 3210  
section 122.171, division (C) of section 3735.672, and division 3211  
(C) of section 5709.68 of the Revised Code shall be credited to 3212  
the fund. The director of development shall use money in the fund 3213  
to pay expenses related to the administration of the tax credit 3214  
programs authorized by sections 122.17, 122.171, 3735.672, and 3215  
5709.68 of the Revised Code. 3216

**Sec. 122.602.** (A) There is hereby created in the department 3217  
of development the capital access loan program to assist 3218  
participating financial institutions in making program loans to 3219  
eligible businesses that face barriers in accessing working 3220  
capital and obtaining fixed asset financing. In administering the 3221  
program, the director of development may do any of the following: 3222

(1) Receive and accept grants, gifts, and contributions of 3223  
money, property, labor, and other things of value to be held, 3224  
used, and applied only for the purpose for which the grants, 3225  
gifts, and contributions are made, from individuals, private and 3226  
public corporations, the United States or any agency of the United 3227  
States, the state or any agency of the state, or any political 3228  
subdivision of the state; 3229

(2) Agree to repay any contribution of money or return any 3230  
property contributed or the value of that property at the times, 3231  
in the amounts, and on the terms and conditions, excluding the 3232  
payment of interest, that the director consents to at the time a 3233  
contribution is made; and evidence obligations by notes, bonds, or 3234  
other written instruments; 3235

(3) Adopt rules under Chapter 119. of the Revised Code to 3236  
carry out the purposes of the program specified in sections 122.60 3237

to 122.605 of the Revised Code; 3238

(4) Engage in all other acts, and enter into contracts and 3239  
execute all instruments, necessary or appropriate to carry out the 3240  
purposes specified in sections 122.60 to 122.605 of the Revised 3241  
Code. 3242

(B) The director shall determine the eligibility of a 3243  
financial institution to participate in the program and may set a 3244  
limit on the number of financial institutions that may participate 3245  
in the program. 3246

(C) To be considered eligible by the director to participate 3247  
in the program, a financial institution shall enter into a 3248  
participation agreement with the department that sets out the 3249  
terms and conditions under which the department will deposit 3250  
moneys from the fund into the financial institution's program 3251  
reserve account, specifies the criteria for loan qualification 3252  
under the program, and contains any additional terms the director 3253  
considers necessary. 3254

(D) After receiving the certification required under division 3255  
(C) of section 122.603 of the Revised Code, the director may 3256  
disburse moneys from the fund to a participating financial 3257  
institution for deposit in its program reserve account if the 3258  
director determines that the capital access loan involved meets 3259  
all of the following criteria: 3260

(1) It will be made to an eligible business. 3261

(2) It will be used by the eligible business for a project, 3262  
activity, or enterprise that fosters economic development. 3263

(3) It will not be made in order to enroll in the program 3264  
prior debt that is not covered under the program and that is owed 3265  
or was previously owed by an eligible business to the financial 3266  
institution. 3267

(4) It will not be utilized for a project or development related to the on-site construction or purchase of residential housing.	3268 3269 3270
(5) It will not be used to finance passive real estate ownership.	3271 3272
(6) It conforms to the requirements of divisions (E), (F), (G), (H), and (I) of this section, and to the rules adopted by the director under division (A)(3) of this section.	3273 3274 3275
(E) The director shall not approve a capital access loan to an eligible business that exceeds two hundred fifty thousand dollars for working capital or five hundred thousand dollars for the purchase of fixed assets. An eligible business may apply for the maximum amount of both working capital and the purchase of fixed assets in the same capital access loan.	3276 3277 3278 3279 3280 3281
(F) A financial institution may apply to the director for the approval of a capital access loan to any business that is owned or operated by a person that has previously defaulted under any state financial assistance program.	3282 3283 3284 3285
(G) Eligible businesses that apply for a capital access loan shall comply with section 9.66 of the Revised Code.	3286 3287
(H) A financial institution may apply to the director for the approval of a capital access loan that refinances a nonprogram loan made by another financial institution.	3288 3289 3290
(I) The director shall not approve a capital access loan that refinances a nonprogram loan made by the same financial institution, unless the amount of the refinanced loan exceeds the existing debt, in which case only the amount exceeding the existing debt is eligible for a loan under the program.	3291 3292 3293 3294 3295
<del>(J) The director shall not approve any capital access loan made after June 30, 2007, or enter into a participation agreement</del>	3296 3297

~~with any financial institution after that date.~~ 3298

**Sec. 124.152.** (A)(1) Except as provided in divisions (A)(2) 3299  
and (3) of this section, each exempt employee shall be paid a 3300  
salary or wage in accordance with schedule E-1 or schedule E-2 of 3301  
division (B), (C), or (D) of this section, as applicable. 3302

(2) Each exempt employee who holds a position in the 3303  
unclassified civil service pursuant to division (A)(26) or (30) of 3304  
section 124.11 of the Revised Code may be paid a salary or wage in 3305  
accordance with schedule E-1, schedule E-1 for step seven only, or 3306  
schedule E-2 of division (B) ~~or~~, (C), (D), (E), (F), or (G) of 3307  
this section, as applicable. 3308

(3)(a) Except as provided in division (A)(3)(b) of this 3309  
section, each exempt employee who was paid a salary or wage at 3310  
step 7 in the employee's pay range on June 28, 2003, in accordance 3311  
with the applicable schedule E-1 of former section 124.152 of the 3312  
Revised Code and who continued to be so paid on June 29, 2003, 3313  
shall be paid a salary or wage in the corresponding pay range in 3314  
schedule E-1 for step seven only of division ~~(C)~~, (E), (F), or (G) 3315  
of this section, as applicable, for as long as the employee 3316  
remains in the position the employee held as of July 1, 2003. 3317

(b) Except as provided in division (A)(3)(c) of this section, 3318  
if an exempt employee who is being paid a salary or wage in 3319  
accordance with schedule E-1 for step seven only of division 3320  
~~(C)~~, (E), (F), or (G) of this section, as applicable, moves to 3321  
another position, the employee shall not receive a salary or wage 3322  
for that position or any other position in the future in 3323  
accordance with that schedule. 3324

(c) If an exempt employee who is being paid a salary or wage 3325  
in accordance with schedule E-1 for step seven only of division 3326  
~~(C)~~, (E), (F), or (G) of this section, as applicable, moves to 3327  
another position assigned to pay range 12 or above, the appointing 3328

authority ~~has the discretion to~~ may assign the employee to be paid 3329  
a salary or wage in the appropriate pay range for that position in 3330  
accordance with the applicable schedule E-1 for step seven only, 3331  
provided that the appointing authority so notifies the director of 3332  
administrative services in writing at the time the employee is 3333  
appointed to that position. 3334

(B) Beginning on the first day of the pay period that 3335  
includes July 1, 2006, each exempt employee who must be paid in 3336  
accordance with schedule E-1 or schedule E-2 of this section shall 3337  
be paid a salary or wage in accordance with the following schedule 3338  
of rates: 3339

Schedule E-1 3340

Pay Ranges and Step Values 3341

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.40	9.82	10.24	10.68			3344
	Annually	19552	20426	21299	22214			3345
2	Hourly	11.40	11.88	12.40	12.94			3346
	Annually	23712	24710	25792	26915			3347
3	Hourly	11.94	12.48	13.03	13.60			3348
	Annually	24835	25958	27102	28288			3349
4	Hourly	12.54	13.10	13.72	14.34			3350
	Annually	26083	27248	28538	29827			3351
5	Hourly	13.15	13.75	14.34	14.97			3352
	Annually	27352	28600	29827	31138			3353
6	Hourly	13.86	14.43	15.07	15.69			3354
	Annually	28829	30014	31346	32635			3355
7	Hourly	14.72	15.27	15.88	16.44	17.08		3356
	Annually	30618	31762	33030	34195	35526		3357
8	Hourly	15.56	16.24	16.95	17.71	18.46		3358
	Annually	32365	33779	35256	36837	38397		3359
9	Hourly	16.60	17.46	18.32	19.23	20.21		3360

	Annually	34528	36317	38106	39998	42037		3361
10	Hourly	17.91	18.89	19.90	21.05	22.18		3362
	Annually	37253	39291	41392	43784	46134		3363
11	Hourly	19.50	20.64	21.84	23.06	24.38		3364
	Annually	40560	42931	45427	47965	50710		3365
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	3366
	Annually	44741	47258	49795	52562	55494	58510	3367
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	3368
	Annually	49317	52021	54891	57824	61069	64397	3369
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	3370
	Annually	54246	57304	60382	63690	67288	71032	3371
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	3372
	Annually	59571	62920	66477	70138	74027	78104	3373
16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	3374
	Annually	65686	69326	73154	77251	81515	86174	3375
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	3376
	Annually	72384	76378	80662	85114	89856	94869	3377
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	3378
	Annually	79768	84178	88920	93808	99008	104541	3379
	Schedule E-2							3380
	Range			Minimum			Maximum	3381
41	Hourly			16.23			34.77	3382
	Annually			33758			72322	3383
42	Hourly			17.89			38.41	3384
	Annually			37211			79893	3385
43	Hourly			19.70			42.30	3386
	Annually			40976			87984	3387
44	Hourly			21.73			46.21	3388
	Annually			45198			96117	3389
45	Hourly			24.01			50.44	3390
	Annually			49941			104915	3391
46	Hourly			26.43			55.13	3392
	Annually			54974			114670	3393

47	Hourly	29.14	60.16	3394
	Annually	60611	125133	3395
48	Hourly	32.14	65.65	3396
	Annually	66851	136552	3397
49	Hourly	35.44	70.89	3398
	Annually	73715	147451	3399

(C) Beginning on the first day of the pay period that 3400  
includes July 1, 2007, each exempt employee who must be paid in 3401  
accordance with schedule E-1 or schedule E-2 of this section shall 3402  
be paid a salary or wage in accordance with the following schedule 3403  
of rates: 3404

		<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	
	<u>Range</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	
<u>1</u>	<u>Hourly</u>	<u>9.73</u>	<u>10.16</u>	<u>10.60</u>	<u>11.05</u>			3407
	<u>Annually</u>	<u>20238</u>	<u>21133</u>	<u>22048</u>	<u>22984</u>			3408
<u>2</u>	<u>Hourly</u>	<u>11.80</u>	<u>12.30</u>	<u>12.83</u>	<u>13.39</u>			3409
	<u>Annually</u>	<u>24544</u>	<u>25584</u>	<u>26686</u>	<u>27851</u>			3410
<u>3</u>	<u>Hourly</u>	<u>12.36</u>	<u>12.92</u>	<u>13.49</u>	<u>14.08</u>			3411
	<u>Annually</u>	<u>25709</u>	<u>26874</u>	<u>28059</u>	<u>29286</u>			3412
<u>4</u>	<u>Hourly</u>	<u>12.98</u>	<u>13.56</u>	<u>14.20</u>	<u>14.84</u>			3413
	<u>Annually</u>	<u>26998</u>	<u>28205</u>	<u>29536</u>	<u>30867</u>			3414
<u>5</u>	<u>Hourly</u>	<u>13.61</u>	<u>14.23</u>	<u>14.84</u>	<u>15.49</u>			3415
	<u>Annually</u>	<u>28309</u>	<u>29598</u>	<u>30867</u>	<u>32219</u>			3416
<u>6</u>	<u>Hourly</u>	<u>14.35</u>	<u>14.94</u>	<u>15.60</u>	<u>16.24</u>			3417
	<u>Annually</u>	<u>29848</u>	<u>31075</u>	<u>32448</u>	<u>33779</u>			3418
<u>7</u>	<u>Hourly</u>	<u>15.24</u>	<u>15.80</u>	<u>16.44</u>	<u>17.02</u>	<u>17.68</u>		3419
	<u>Annually</u>	<u>31699</u>	<u>32864</u>	<u>34195</u>	<u>35402</u>	<u>36774</u>		3420
<u>8</u>	<u>Hourly</u>	<u>16.10</u>	<u>16.81</u>	<u>17.54</u>	<u>18.33</u>	<u>19.11</u>		3421
	<u>Annually</u>	<u>33488</u>	<u>34965</u>	<u>36483</u>	<u>38126</u>	<u>39749</u>		3422
<u>9</u>	<u>Hourly</u>	<u>17.18</u>	<u>18.07</u>	<u>18.96</u>	<u>19.90</u>	<u>20.92</u>		3423
	<u>Annually</u>	<u>35734</u>	<u>37586</u>	<u>39437</u>	<u>41392</u>	<u>43514</u>		3424
<u>10</u>	<u>Hourly</u>	<u>18.54</u>	<u>19.55</u>	<u>20.60</u>	<u>21.79</u>	<u>22.96</u>		3425
	<u>Annually</u>	<u>38563</u>	<u>40664</u>	<u>42848</u>	<u>45323</u>	<u>47757</u>		3426

<u>11</u>	<u>Hourly</u>	<u>20.18</u>	<u>21.36</u>	<u>22.60</u>	<u>23.87</u>	<u>25.23</u>		3427
	<u>Annually</u>	<u>41974</u>	<u>44429</u>	<u>47008</u>	<u>49650</u>	<u>52478</u>		3428
<u>12</u>	<u>Hourly</u>	<u>22.26</u>	<u>23.52</u>	<u>24.78</u>	<u>26.15</u>	<u>27.61</u>	<u>29.11</u>	3429
	<u>Annually</u>	<u>46301</u>	<u>48922</u>	<u>51542</u>	<u>54392</u>	<u>57429</u>	<u>60549</u>	3430
<u>13</u>	<u>Hourly</u>	<u>24.54</u>	<u>25.89</u>	<u>27.31</u>	<u>28.77</u>	<u>30.39</u>	<u>32.04</u>	3431
	<u>Annually</u>	<u>51043</u>	<u>53851</u>	<u>56805</u>	<u>59842</u>	<u>63211</u>	<u>66643</u>	3432
<u>14</u>	<u>Hourly</u>	<u>26.99</u>	<u>28.51</u>	<u>30.05</u>	<u>31.69</u>	<u>33.48</u>	<u>35.35</u>	3433
	<u>Annually</u>	<u>56139</u>	<u>59301</u>	<u>62504</u>	<u>65915</u>	<u>69638</u>	<u>73528</u>	3434
<u>15</u>	<u>Hourly</u>	<u>29.64</u>	<u>31.31</u>	<u>33.08</u>	<u>34.90</u>	<u>36.84</u>	<u>38.86</u>	3435
	<u>Annually</u>	<u>61651</u>	<u>65125</u>	<u>68806</u>	<u>72592</u>	<u>76627</u>	<u>80829</u>	3436
<u>16</u>	<u>Hourly</u>	<u>32.69</u>	<u>34.50</u>	<u>36.40</u>	<u>38.44</u>	<u>40.56</u>	<u>42.88</u>	3437
	<u>Annually</u>	<u>67995</u>	<u>71760</u>	<u>75712</u>	<u>79955</u>	<u>84365</u>	<u>89190</u>	3438
<u>17</u>	<u>Hourly</u>	<u>36.02</u>	<u>38.01</u>	<u>40.14</u>	<u>42.35</u>	<u>44.71</u>	<u>47.21</u>	3439
	<u>Annually</u>	<u>74922</u>	<u>79061</u>	<u>83491</u>	<u>88088</u>	<u>92997</u>	<u>98197</u>	3440
<u>18</u>	<u>Hourly</u>	<u>39.69</u>	<u>41.89</u>	<u>44.25</u>	<u>46.68</u>	<u>49.27</u>	<u>52.02</u>	3441
	<u>Annually</u>	<u>82555</u>	<u>87131</u>	<u>92040</u>	<u>97094</u>	<u>102482</u>	<u>108202</u>	3442
								3443
	<u>Range</u>			<u>Minimum</u>		<u>Maximum</u>		3444
<u>41</u>	<u>Hourly</u>			<u>16.23</u>		<u>35.99</u>		3445
	<u>Annually</u>			<u>33758</u>		<u>74859</u>		3446
<u>42</u>	<u>Hourly</u>			<u>17.89</u>		<u>39.75</u>		3447
	<u>Annually</u>			<u>37211</u>		<u>82680</u>		3448
<u>43</u>	<u>Hourly</u>			<u>19.70</u>		<u>43.78</u>		3449
	<u>Annually</u>			<u>40976</u>		<u>91062</u>		3450
<u>44</u>	<u>Hourly</u>			<u>21.73</u>		<u>47.83</u>		3451
	<u>Annually</u>			<u>45198</u>		<u>99486</u>		3452
<u>45</u>	<u>Hourly</u>			<u>24.01</u>		<u>52.21</u>		3453
	<u>Annually</u>			<u>49941</u>		<u>108597</u>		3454
<u>46</u>	<u>Hourly</u>			<u>26.43</u>		<u>57.06</u>		3455
	<u>Annually</u>			<u>54974</u>		<u>118685</u>		3456
<u>47</u>	<u>Hourly</u>			<u>29.14</u>		<u>62.27</u>		3457
	<u>Annually</u>			<u>60611</u>		<u>129522</u>		3458
<u>48</u>	<u>Hourly</u>			<u>32.14</u>		<u>67.95</u>		3459

	<u>Annually</u>	<u>66851</u>	<u>141336</u>	3460
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>73.37</u>	3461
	<u>Annually</u>	<u>73715</u>	<u>152610</u>	3462

(D) Beginning on the first day of the pay period that 3463  
includes July 1, 2008, each exempt employee who must be paid in 3464  
accordance with schedule E-1 or schedule E-2 of this section shall 3465  
be paid a salary or wage in accordance with the following schedule 3466  
of rates: 3467

		<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	3468
	<u>Range</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	3469
<u>1</u>	<u>Hourly</u>	<u>10.07</u>	<u>10.52</u>	<u>10.97</u>	<u>11.44</u>			3470
	<u>Annually</u>	<u>20946</u>	<u>21882</u>	<u>22818</u>	<u>23795</u>			3471
<u>2</u>	<u>Hourly</u>	<u>12.21</u>	<u>12.73</u>	<u>13.28</u>	<u>13.86</u>			3472
	<u>Annually</u>	<u>25397</u>	<u>26478</u>	<u>27622</u>	<u>28829</u>			3473
<u>3</u>	<u>Hourly</u>	<u>12.79</u>	<u>13.37</u>	<u>13.96</u>	<u>14.57</u>			3474
	<u>Annually</u>	<u>26603</u>	<u>27810</u>	<u>29037</u>	<u>30306</u>			3475
<u>4</u>	<u>Hourly</u>	<u>13.43</u>	<u>14.03</u>	<u>14.70</u>	<u>15.36</u>			3476
	<u>Annually</u>	<u>27934</u>	<u>29182</u>	<u>30576</u>	<u>31949</u>			3477
<u>5</u>	<u>Hourly</u>	<u>14.09</u>	<u>14.73</u>	<u>15.36</u>	<u>16.03</u>			3478
	<u>Annually</u>	<u>29307</u>	<u>30638</u>	<u>31949</u>	<u>33342</u>			3479
<u>6</u>	<u>Hourly</u>	<u>14.85</u>	<u>15.46</u>	<u>16.15</u>	<u>16.81</u>			3480
	<u>Annually</u>	<u>30888</u>	<u>32157</u>	<u>33592</u>	<u>34965</u>			3481
<u>7</u>	<u>Hourly</u>	<u>15.77</u>	<u>16.35</u>	<u>17.02</u>	<u>17.62</u>	<u>18.30</u>		3482
	<u>Annually</u>	<u>32802</u>	<u>34008</u>	<u>35402</u>	<u>36650</u>	<u>38064</u>		3483
<u>8</u>	<u>Hourly</u>	<u>16.66</u>	<u>17.40</u>	<u>18.15</u>	<u>18.97</u>	<u>19.78</u>		3484
	<u>Annually</u>	<u>34653</u>	<u>36192</u>	<u>37752</u>	<u>39458</u>	<u>41142</u>		3485
<u>9</u>	<u>Hourly</u>	<u>17.78</u>	<u>18.70</u>	<u>19.62</u>	<u>20.60</u>	<u>21.65</u>		3486
	<u>Annually</u>	<u>36982</u>	<u>38896</u>	<u>40810</u>	<u>42848</u>	<u>45032</u>		3487
<u>10</u>	<u>Hourly</u>	<u>19.19</u>	<u>20.23</u>	<u>21.32</u>	<u>22.55</u>	<u>23.76</u>		3488
	<u>Annually</u>	<u>39915</u>	<u>42078</u>	<u>44346</u>	<u>46904</u>	<u>49421</u>		3489
<u>11</u>	<u>Hourly</u>	<u>20.89</u>	<u>22.11</u>	<u>23.39</u>	<u>24.71</u>	<u>26.11</u>		3490
	<u>Annually</u>	<u>43451</u>	<u>45989</u>	<u>48651</u>	<u>51397</u>	<u>54309</u>		3491
<u>12</u>	<u>Hourly</u>	<u>23.04</u>	<u>24.34</u>	<u>25.65</u>	<u>27.07</u>	<u>28.58</u>	<u>30.13</u>	3492

	<u>Annually</u>	<u>47923</u>	<u>50627</u>	<u>53352</u>	<u>56306</u>	<u>59446</u>	<u>62670</u>	3493
<u>13</u>	<u>Hourly</u>	<u>25.40</u>	<u>26.80</u>	<u>28.27</u>	<u>29.78</u>	<u>31.45</u>	<u>33.16</u>	3494
	<u>Annually</u>	<u>52832</u>	<u>55744</u>	<u>58802</u>	<u>61942</u>	<u>65416</u>	<u>68973</u>	3495
<u>14</u>	<u>Hourly</u>	<u>27.93</u>	<u>29.51</u>	<u>31.10</u>	<u>32.80</u>	<u>34.65</u>	<u>36.59</u>	3496
	<u>Annually</u>	<u>58094</u>	<u>61381</u>	<u>64688</u>	<u>68224</u>	<u>72072</u>	<u>76107</u>	3497
<u>15</u>	<u>Hourly</u>	<u>30.68</u>	<u>32.41</u>	<u>34.24</u>	<u>36.12</u>	<u>38.13</u>	<u>40.22</u>	3498
	<u>Annually</u>	<u>63814</u>	<u>67413</u>	<u>71219</u>	<u>75130</u>	<u>79310</u>	<u>83658</u>	3499
<u>16</u>	<u>Hourly</u>	<u>33.83</u>	<u>35.71</u>	<u>37.67</u>	<u>39.79</u>	<u>41.98</u>	<u>44.38</u>	3500
	<u>Annually</u>	<u>70366</u>	<u>74277</u>	<u>78354</u>	<u>82763</u>	<u>87318</u>	<u>92310</u>	3501
<u>17</u>	<u>Hourly</u>	<u>37.28</u>	<u>39.34</u>	<u>41.54</u>	<u>43.83</u>	<u>46.27</u>	<u>48.86</u>	3502
	<u>Annually</u>	<u>77542</u>	<u>81827</u>	<u>86403</u>	<u>91166</u>	<u>96242</u>	<u>101629</u>	3503
<u>18</u>	<u>Hourly</u>	<u>41.08</u>	<u>43.36</u>	<u>45.80</u>	<u>48.31</u>	<u>50.99</u>	<u>53.84</u>	3504
	<u>Annually</u>	<u>85446</u>	<u>90189</u>	<u>95264</u>	<u>100485</u>	<u>106059</u>	<u>111987</u>	3505
								3506
	<u>Range</u>			<u>Minimum</u>			<u>Maximum</u>	3507
<u>41</u>	<u>Hourly</u>			<u>16.23</u>			<u>37.25</u>	3508
	<u>Annually</u>			<u>33758</u>			<u>77480</u>	3509
<u>42</u>	<u>Hourly</u>			<u>17.89</u>			<u>41.14</u>	3510
	<u>Annually</u>			<u>37211</u>			<u>85571</u>	3511
<u>43</u>	<u>Hourly</u>			<u>19.70</u>			<u>45.31</u>	3512
	<u>Annually</u>			<u>40976</u>			<u>94245</u>	3513
<u>44</u>	<u>Hourly</u>			<u>21.73</u>			<u>49.50</u>	3514
	<u>Annually</u>			<u>45198</u>			<u>102960</u>	3515
<u>45</u>	<u>Hourly</u>			<u>24.01</u>			<u>54.04</u>	3516
	<u>Annually</u>			<u>49941</u>			<u>112403</u>	3517
<u>46</u>	<u>Hourly</u>			<u>26.43</u>			<u>59.06</u>	3518
	<u>Annually</u>			<u>54974</u>			<u>122845</u>	3519
<u>47</u>	<u>Hourly</u>			<u>29.14</u>			<u>64.45</u>	3520
	<u>Annually</u>			<u>60611</u>			<u>134056</u>	3521
<u>48</u>	<u>Hourly</u>			<u>32.14</u>			<u>70.33</u>	3522
	<u>Annually</u>			<u>66851</u>			<u>146286</u>	3523
<u>49</u>	<u>Hourly</u>			<u>35.44</u>			<u>75.94</u>	3524
	<u>Annually</u>			<u>73715</u>			<u>157955</u>	3525

(E) Beginning on the first day of the pay period that 3526  
includes July 1, 2006, each exempt employee who must be paid in 3527  
accordance with schedule E-1 for step seven only shall be paid a 3528  
salary or wage in accordance with the following schedule of rates: 3529

Schedule E-1 for Step Seven Only 3530

Pay Ranges and Step Seven Values 3531

Range 3532

12 Hourly 29.68 3533

Annually 61734 3534

13 Hourly 32.66 3535

Annually 67933 3536

14 Hourly 36.01 3537

Annually 74901 3538

15 Hourly 39.61 3539

Annually 82389 3540

16 Hourly 43.70 3541

Annually 90896 3542

17 Hourly 48.13 3543

Annually 100110 3544

18 Hourly 53.02 3545

Annually 110282 3546

~~(D)~~(F) Beginning on the first day of the pay period that 3547

includes July 1, 2007, each exempt employee who must be paid in 3548

accordance with schedule E-1 for step seven only shall be paid a 3549

salary or wage in accordance with the following schedule of rates: 3550

Range 3551

12 Hourly 30.72 3552

Annually 63898 3553

13 Hourly 33.80 3554

Annually 70304 3555

14 Hourly 37.27 3556

Annually 77522 3557

<u>15</u>	<u>Hourly</u>	<u>41.00</u>	3558
	<u>Annually</u>	<u>85280</u>	3559
<u>16</u>	<u>Hourly</u>	<u>45.23</u>	3560
	<u>Annually</u>	<u>94078</u>	3561
<u>17</u>	<u>Hourly</u>	<u>49.81</u>	3562
	<u>Annually</u>	<u>103605</u>	3563
<u>18</u>	<u>Hourly</u>	<u>54.88</u>	3564
	<u>Annually</u>	<u>114150</u>	3565

(G) Beginning on the first day of the pay period that 3566  
includes July 1, 2008, each exempt employee who must be paid in 3567  
accordance with salary schedule E-1 for step seven only shall be 3568  
paid a salary or wage in accordance with the following schedule of 3569  
rates: 3570

	<u>Range</u>		3571
<u>12</u>	<u>Hourly</u>	<u>31.80</u>	3572
	<u>Annually</u>	<u>66144</u>	3573
<u>13</u>	<u>Hourly</u>	<u>34.98</u>	3574
	<u>Annually</u>	<u>72758</u>	3575
<u>14</u>	<u>Hourly</u>	<u>38.57</u>	3576
	<u>Annually</u>	<u>80226</u>	3577
<u>15</u>	<u>Hourly</u>	<u>42.44</u>	3578
	<u>Annually</u>	<u>88275</u>	3579
<u>16</u>	<u>Hourly</u>	<u>46.81</u>	3580
	<u>Annually</u>	<u>97365</u>	3581
<u>17</u>	<u>Hourly</u>	<u>51.55</u>	3582
	<u>Annually</u>	<u>107224</u>	3583
<u>18</u>	<u>Hourly</u>	<u>56.80</u>	3584
	<u>Annually</u>	<u>118144</u>	3585

(H) As used in this section, "exempt employee" means a 3586  
permanent full-time or permanent part-time employee paid directly 3587  
by warrant of the director of budget and management whose position 3588  
is included in the job classification plan established under 3589  
division (A) of section 124.14 of the Revised Code but who is not 3590

considered a public employee for the purposes of Chapter 4117. of 3591  
the Revised Code. As used in this section, "exempt employee" also 3592  
includes a permanent full-time or permanent part-time employee of 3593  
the secretary of state, auditor of state, treasurer of state, or 3594  
attorney general who has not been placed in an appropriate 3595  
bargaining unit by the state employment relations board. 3596

**Sec. 125.45.** The department of administrative services shall 3597  
maintain facilities to perform office reproduction services for 3598  
all boards, commissions, or departments except for the bureau of 3599  
workers' compensation. Upon written application to the department 3600  
of administrative services, permission may be granted to a board, 3601  
commission, or department to perform such services outside the 3602  
central facility and such permission shall state the extent of the 3603  
services which the department, board, or commission shall perform. 3604

Office reproduction services using stencils, masters, or 3605  
plates are restricted to duplicating equipment not larger than 3606  
seventeen by twenty-two inches. Not to exceed five thousand press 3607  
impressions shall be produced of any such order except that up to 3608  
one thousand production copies may be produced of any item 3609  
consisting of multiple pages and except that over five thousand, 3610  
but not more than ten thousand, press impressions may be produced 3611  
if the director of administrative services determines that there 3612  
is an emergency due to the timing of service delivery or another 3613  
factor that may cause financial hardship to the state. 3614

Nothing in this section precludes the bureau from entering 3615  
into a contract with the department of administrative services for 3616  
the department to perform office reproduction services for the 3617  
bureau. 3618

~~Neither the department nor any other~~ No state agency, other 3619  
than the department of administrative services, shall perform 3620  
printing or office reproduction services for political 3621

subdivisions. 3622

**Sec. 125.93.** The state forms management program shall do each 3623  
of the following: 3624

(A) Assist state agencies in establishing internal forms 3625  
management capabilities; 3626

~~(B) Study, develop, coordinate, and initiate forms of 3627  
interagency and common administrative usage, and establish basic 3628  
design and specification criteria to standardize state forms; 3629~~

~~(C)~~ Assist state agencies to design economical forms; 3630

~~(D)~~(C) Assist, train, and instruct state agencies and their 3631  
forms management representatives in forms management techniques, 3632  
and provide direct forms management assistance to new state 3633  
agencies as they are created; 3634

~~(E) Maintain a central forms repository of all state forms to 3635  
facilitate standardization of the forms, eliminate redundant 3636  
forms, and provide a central source of information on forms usage 3637  
and availability. 3638~~

**Sec. 125.96.** The director of administrative services may 3639  
adopt, amend, or rescind rules necessary to carry out the powers 3640  
and duties imposed upon the state forms management program and 3641  
state agencies by sections 125.92 to 125.98 of the Revised Code. 3642  
~~The director shall adopt, and may amend or rescind, rules 3643  
providing each of the following: 3644~~

~~(A) After a date to be determined by the state forms 3645  
management program, no state agency shall utilize any form, other 3646  
than a form subject to division (B) of section 125.95 of the 3647  
Revised Code, the management of which has not been delegated to 3648  
the agency by the program under division (A) of that section or 3649  
been approved by the program. 3650~~

~~(B) The notice required by section 125.97 of the Revised Code shall appear in a standard place and a standard manner on each form to which the notice applies, and shall include specified indicia of approval by the state forms management program.~~

~~(C) Any form required by a state agency on an emergency basis may be given interim approval by the state forms management program if the form is accompanied by a letter from the director or other head of the agency setting forth the nature of the emergency and requesting interim approval.~~

**Sec. 125.97.** All forms, ~~other than those forms subject to division (B) of section 125.95 of the Revised Code,~~ used to obtain information from private business, agriculture, or local governments, except those forms used by the tax commissioner for administration of taxes and programs, shall contain a conspicuous notice on the first page setting forth the authorization for the form and stating whether providing the information sought is required or voluntary, and any penalties that apply to failure to provide the information.

**Sec. 125.98.** (A) Each state agency shall appoint a forms management representative, who may be from existing personnel. The appointee shall cooperate with, and provide other necessary assistance to, the director of administrative services and the state forms management program in implementing the program. A forms management representative shall do all of the following:

(1) Manage the agency's forms management program and cooperate with and provide other necessary assistance to the director of administrative services in implementing the state forms management program;

(2) Monitor the use and reproduction of all forms to ensure that all policies, procedures, guidelines, and standards

established by the agency and the director of administrative 3681  
services are followed; 3682

~~(3) Ensure that every form used by the agency is presented to 3683  
the state forms management program for registration prior to its 3684  
reproduction; 3685~~

~~(4) Maintain a master forms file history file, in numeric 3686  
order, of all agency forms; 3687~~

~~(5) Verify and update the all historical information on all 3688  
forms in the agency's central forms repository database. 3689~~

(B) Any state agency, as defined in section 1.60 of the 3690  
Revised Code, not included within the definition of a state agency 3691  
in section 125.91 of the Revised Code may elect to participate in 3692  
the state forms management program. The program may provide to any 3693  
such agency any service required or authorized by sections 125.92 3694  
to 125.98 of the Revised Code to be performed for a state agency. 3695

Sec. 126.04. Funds appropriated for purposes of fulfilling 3696  
the state's obligations under the consent order filed March 5, 3697  
2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in the United 3698  
States district court for the southern district of Ohio, eastern 3699  
division, shall be in an appropriation item that authorizes 3700  
expenditures only for purposes of fulfilling the state's 3701  
obligations under the consent order. 3702

Sec. 126.07. ~~No~~ Except as provided in division (B) of section 3703  
126.21 of the Revised Code, no contract, agreement, or obligation 3704  
involving the expenditure of money chargeable to an appropriation, 3705  
nor any resolution or order for the expenditure of money 3706  
chargeable to an appropriation, shall be valid and enforceable 3707  
unless the director of budget and management first certifies that 3708  
there is a balance in the appropriation not already obligated to 3709  
pay existing obligations, in an amount at least equal to the 3710

portion of the contract, agreement, obligation, resolution, or 3711  
order to be performed in the current fiscal year. Any written 3712  
contract or agreement entered into by the state shall contain a 3713  
clause stating that the obligations of the state are subject to 3714  
this section. 3715

The chief administrative officer of a state agency is 3716  
responsible for the preaudit and approval of expenditures and 3717  
other transactions of the agency. In order to ~~make~~ initiate the 3718  
making of a payment from the state treasury, the person in a state 3719  
agency who requests that the payment be made shall first submit to 3720  
the ~~director~~ chief administrative officer of the agency all 3721  
invoices, claims, vouchers, and other ~~evidentiary matter~~ 3722  
documentation related to the payment. ~~If the director approves~~ 3723  
~~payment to be made, the director shall draw a warrant as provided~~ 3724  
~~in section 126.35 of the Revised Code.~~ The chief administrative 3725  
officer shall examine each voucher and all other documentation 3726  
required to support the voucher and determine whether they meet 3727  
all the requirements established by the director of budget and 3728  
management for making the payment. If they do meet those 3729  
requirements, the chief administrative officer shall certify to 3730  
the director the approval of the chief administrative officer for 3731  
payment. 3732

Prior to drawing a warrant as provided in section 126.35 of 3733  
the Revised Code, the director may review and audit the voucher, 3734  
any documentation accompanying the voucher, and any other 3735  
documentation related to the transaction that the director may 3736  
require to determine if the transaction is in accordance with law. 3737  
The director shall not approve payment to be made if the director 3738  
finds that there is not an unobligated balance in the 3739  
appropriation for the payment, that the payment is not for a valid 3740  
claim against the state that is legally due, or that insufficient 3741  
~~evidentiary matter~~ documentation has been submitted. If the 3742

director does not approve payment, the director shall notify the 3743  
agency of the reasons the director has not given approval. 3744

In approving payments to be made under this section, the 3745  
director, upon receipt of certification from the director of job 3746  
and family services pursuant to section 4141.231 of the Revised 3747  
Code, shall withhold from amounts otherwise payable to a person 3748  
who is the subject of the director of jobs and family services' 3749  
certification, the amount certified to be due and unpaid to the 3750  
director of job and family services, and shall approve for payment 3751  
to the director of job and family services, the amount withheld. 3752

As used in this section and in section 126.21 of the Revised 3753  
Code, "chief administrative officer" means either of the 3754  
following: 3755

(A) The director of the agency or, in the case of a state 3756  
agency without a director, the equivalent officer of that agency; 3757

(B) The designee of the chief administrative officer for the 3758  
purposes of such sections. 3759

**Sec. 126.08.** The director of budget and management may 3760  
exercise control over the financial transactions of state 3761  
agencies, including approving, disapproving, voiding, or 3762  
invalidating encumbrances or transactions, except those in the 3763  
judicial and legislative branches, by: 3764

(A) Requiring encumbrancing documents or any other financial 3765  
information to be submitted to the director, ~~where such submission~~ 3766  
~~is prescribed by law or where the director considers such~~ 3767  
~~submission necessary~~ to evaluate the legality of a proposed an 3768  
expenditure, and by approving or disapproving any encumbrance 3769  
~~requested,~~ except that the director shall not disapprove any 3770  
encumbrancing document submitted by the attorney general, auditor 3771  
of state, secretary of state, or treasurer of state unless there 3772

is an insufficient unobligated balance in the appropriation or the 3773  
encumbrance does not meet all other legal requirements. Those 3774  
portions of an appropriation that are encumbered are not available 3775  
for expenditure for any purpose other than that indicated on the 3776  
encumbrancing document. If any requirements of the director 3777  
regarding the submission of encumbrancing documents or other 3778  
financial information are not complied with, or if any 3779  
encumbrancing document is disapproved in whole or in part, the 3780  
director shall notify the submitting agency thereof and shall not 3781  
authorize payment unless the reasons for disapproval are 3782  
corrected. 3783

(B) Requiring the allocation and allotment of any 3784  
appropriation by quarter or by any other period of time. 3785

(C) Reporting to the attorney general for such action, civil 3786  
or criminal, as the attorney general considers necessary, all 3787  
facts showing improper payment of public money or misappropriation 3788  
of public property; 3789

(D) By adopting rules for carrying into effect any powers 3790  
granted by this chapter. 3791

**Sec. 126.16.** (A) This section is in implementation of 3792  
division (D) of Section 17 of Article VIII, Ohio Constitution, for 3793  
purposes of issuing direct obligations of the state subject to 3794  
that section. 3795

(B) For purposes of the computation of debt service under 3796  
Section 17 of Article VIII, Ohio Constitution, there shall be 3797  
included debt service payable on bonds that are direct obligations 3798  
of the state issued under Article VIII, Ohio Constitution, and on 3799  
those bonds anticipated by bond anticipation notes, to the extent 3800  
that debt service on those bonds is anticipated to be paid from 3801  
the state general revenue fund or net state lottery proceeds. 3802  
Examples of bonds the debt service on which is not anticipated to 3803

be paid from either of those sources are bonds of the state issued 3804  
for highway purposes pursuant to Section 2i or 2m of Article VIII, 3805  
Ohio Constitution, which, although general obligations of the 3806  
state, have been and are anticipated to be paid from highway user 3807  
receipts and not from the general revenue fund or net state 3808  
lottery proceeds. 3809

(C) If there is no separate constitutional or statutory 3810  
provision applicable for the purpose, debt service on bonds 3811  
anticipated by bond anticipation notes shall be estimated as 3812  
provided in division (C) of this section. That amount, to be 3813  
certified either by the issuing authority of the particular notes 3814  
or by the governor or the governor's designee pursuant to division 3815  
(E) of this section, shall be the estimated amount that would have 3816  
been payable on bonds maturing serially in each fiscal year after 3817  
the fiscal year of the issuance of the notes over the maximum 3818  
period of maturity for the bonds authorized in the particular 3819  
governing constitutional or statutory provision, as if those bonds 3820  
had been issued without the prior issuance of the notes, and 3821  
computed on a substantially level debt service basis applying an 3822  
interest rate or rates certified to be market rates at the time of 3823  
issuance of the notes. 3824

(D) In the case of bonds issued to refund or retire bonds, 3825  
the debt service on the new bonds shall be counted and the debt 3826  
service on the bonds being refunded or retired shall not be 3827  
counted. 3828

(E) The governor, or the governor's designee for the purpose, 3829  
shall determine and certify the fiscal year amounts required to be 3830  
applied or set aside for payment of debt service, including debt 3831  
service on any variable rate bonds, the securities to which that 3832  
debt service relates, the total office of budget and management 3833  
estimated revenues of the state for the general revenue fund and 3834  
from net state lottery proceeds during the particular fiscal year, 3835

and any other financial data necessary or appropriate for the 3836  
purpose of the computations under division (A) of Section 17 of 3837  
Article VIII, Ohio Constitution, and this section. Those 3838  
determinations and certifications shall be filed with the director 3839  
of budget and management, the treasurer of state, and the issuing 3840  
authority for the particular obligations, at or prior to the time 3841  
those securities are issued. The governor's designee for the 3842  
purpose may be the director or assistant director of budget and 3843  
management, or any employee or official of the governor's office. 3844

(F) For purposes of this section, "securities," "interest or 3845  
interest equivalent," and "outstanding" have the same meanings as 3846  
in section 133.01 of the Revised Code, and "debt service" means 3847  
principal, including any mandatory sinking fund deposits and 3848  
mandatory redemption payments, and interest or interest equivalent 3849  
payable on securities, as those payments are stated to come due 3850  
and to be payable. 3851

(G)(1) As used in this division, "avoided obligations" means 3852  
direct obligations of the state that are not issued because the 3853  
capital facilities they would have financed are instead paid for 3854  
with the proceeds of obligations issued under division (C) of 3855  
section 183.51 of the Revised Code. 3856

(2) For purposes of computing the limitation on issuing 3857  
direct obligations of the state under this section and Section 17 3858  
of Article VIII, Ohio Constitution, any avoided obligations shall 3859  
be considered as having been issued. The fiscal year amounts that 3860  
would have been required to be applied or set aside for payment of 3861  
debt service over the maximum period of maturity of the avoided 3862  
obligations had the avoided obligations been issued shall be 3863  
included in the computations. 3864

**Sec. 126.21.** (A) The director of budget and management shall 3865  
do all of the following: 3866

- (1) Keep all necessary accounting records; 3867
- (2) Prescribe and maintain the accounting system of the state 3868  
and establish appropriate accounting procedures and charts of 3869  
accounts; 3870
- (3) Establish procedures for the use of written, electronic, 3871  
optical, or other communications media for approving and reviewing 3872  
payment vouchers; 3873
- (4) Reconcile, in the case of any variation between the 3874  
amount of any appropriation and the aggregate amount of items of 3875  
the appropriation, with the advice and assistance of the state 3876  
agency affected by it and the legislative service commission, 3877  
totals so as to correspond in the aggregate with the total 3878  
appropriation. In the case of a conflict between the item and the 3879  
total of which it is a part, the item shall be considered the 3880  
intended appropriation. 3881
- (5) Evaluate on an ongoing basis and, if necessary, recommend 3882  
improvements to the internal controls used in state agencies; 3883
- (6) Authorize the establishment of petty cash accounts. The 3884  
~~director of budget and management~~ may withdraw approval for any 3885  
petty cash account and require the officer in charge to return to 3886  
the state treasury any unexpended balance shown by the officer's 3887  
accounts to be on hand. Any officer who is issued a warrant for 3888  
petty cash shall render a detailed account of the expenditures of 3889  
the petty cash and shall report when requested the balance of 3890  
petty cash on hand at any time. 3891
- (7) Process orders, invoices, vouchers, claims, and payrolls 3892  
and prepare financial reports and statements; 3893
- (8) Perform extensions, reviews, and compliance checks prior 3894  
to or after approving a payment as the director considers 3895  
necessary; 3896

(9) Issue the official comprehensive annual financial report 3897  
of the state. The report shall cover all funds of the state 3898  
reporting entity and shall include basic financial statements and 3899  
required supplementary information prepared in accordance with 3900  
generally accepted accounting principles and other information as 3901  
the director provides. All state agencies, authorities, 3902  
institutions, offices, retirement systems, and other component 3903  
units of the state reporting entity as determined by the director 3904  
shall furnish the director whatever financial statements and other 3905  
information the director requests for the report, in the form, at 3906  
the times, covering the periods, and with the attestation the 3907  
director prescribes. The information for state institutions of 3908  
higher education, as defined in section 3345.011 of the Revised 3909  
Code, shall be submitted to the ~~director~~ chancellor by the Ohio 3910  
board of regents. The board shall establish a due date by which 3911  
each such institution shall submit the information to the board, 3912  
but no such date shall be later than one hundred twenty days after 3913  
the end of the state fiscal year unless a later date is approved 3914  
by the director. 3915

(B) In addition to the director's duties under division (A) 3916  
of this section, the director ~~of budget and management~~ may 3917  
establish and administer one or more state payment card programs 3918  
that permit or require state agencies to use a payment card to 3919  
purchase equipment, materials, supplies, or services in accordance 3920  
with guidelines issued by the director. The chief administrative 3921  
officer of a state agency that uses a payment card for such 3922  
purposes shall ensure that purchases made with the card are made 3923  
in accordance with the guidelines issued by the director and do 3924  
not exceed the unexpended, unencumbered, unobligated balance in 3925  
the appropriation to be charged for the purchase. State agencies 3926  
may ~~only~~ participate in only those state payment card programs 3927  
that the director establishes pursuant to this section. 3928

(C) In addition to the director's duties under divisions (A) 3929  
and (B) of this section, the director may enter into any contract 3930  
or agreement necessary for and incidental to the performance of 3931  
the director's duties or the duties of the office of budget and 3932  
management. 3933

**Sec. 126.22.** The director of budget and management may: 3934

(A) Perform accounting services for and design and implement 3935  
accounting systems with state agencies; 3936

(B) Provide other accounting services, including the 3937  
maintenance and periodic auditing of the financial records of and 3938  
submission of vouchers by state agencies, provision of assistance 3939  
in the analysis of the financial position of state agencies, and 3940  
preparation and submission of reports; 3941

(C) Change any accounting code appearing in appropriations 3942  
acts of the general assembly. 3943

**Sec. 126.24.** The OAKS support organization fund is hereby 3944  
created in the state treasury for the purpose of paying the 3945  
operating expenses of the state's enterprise resource planning 3946  
system. The fund shall consist of cash transfers from the 3947  
accounting and budgeting fund and the human resources services 3948  
fund, and other revenues designated to support the operating costs 3949  
of the Ohio administrative knowledge system. All investment 3950  
earnings of the fund shall be credited to the fund. 3951

**Sec. 126.40.** There is hereby created in the state treasury 3952  
the forgery recovery fund. The fund shall consist of all moneys 3953  
collected by the attorney general from the resolution of cases of 3954  
fraud or forgery involving warrants issued by the director of the 3955  
office of budget and management. The director shall use the fund 3956  
to pay costs associated with the reissue of state warrants to 3957

payees whose warrants were fraudulently redeemed. 3958

**Sec. 127.14.** The controlling board may, at the request of any 3959  
state agency or the director of budget and management, authorize, 3960  
with respect to the provisions of any appropriation act: 3961  
3962

(A) Transfers of all or part of an appropriation within but 3963  
not between state agencies, except such transfers as the director 3964  
of budget and management is authorized by law to make, provided 3965  
that no transfer shall be made by the director for the purpose of 3966  
effecting new or changed levels of program service not authorized 3967  
by the general assembly; 3968

(B) Transfers of all or part of an appropriation from one 3969  
fiscal year to another; 3970

(C) Transfers of all or part of an appropriation within or 3971  
between state agencies made necessary by administrative 3972  
reorganization or by the abolition of an agency or part of an 3973  
agency; 3974

(D) Transfers of all or part of cash balances in excess of 3975  
needs from any fund of the state to the general revenue fund or to 3976  
such other fund of the state to which the money would have been 3977  
credited in the absence of the fund from which the transfers are 3978  
authorized to be made, except that the controlling board may not 3979  
authorize such transfers from the accrued leave liability fund, 3980  
auto registration distribution fund, budget stabilization fund, 3981  
development bond retirement fund, facilities establishment fund, 3982  
gasoline excise tax fund, general revenue fund, higher education 3983  
improvement fund, highway improvement bond retirement fund, 3984  
highway obligations bond retirement fund, highway capital 3985  
improvement fund, highway operating fund, horse racing tax fund, 3986  
improvements bond retirement fund, ~~library and local government~~ 3987  
~~support libraries~~ fund, liquor control fund, local ~~government~~ 3988

<u>communities</u> fund, local transportation improvement program fund,	3989
mental health facilities improvement fund, Ohio fairs fund, parks	3990
and recreation improvement fund, public improvements bond	3991
retirement fund, school district income tax fund, state agency	3992
facilities improvement fund, state and local government highway	3993
distribution fund, state highway safety fund, state lottery fund,	3994
undivided liquor permit fund, Vietnam conflict compensation bond	3995
retirement fund, volunteer fire fighters' dependents fund,	3996
waterways safety fund, wildlife fund, workers' compensation fund,	3997
or any fund not specified in this division that the director of	3998
budget and management determines to be a bond fund or bond	3999
retirement fund;	4000
(E) Transfers of all or part of those appropriations included	4001
in the emergency purposes account of the controlling board;	4002
(F) Temporary transfers of all or part of an appropriation or	4003
other moneys into and between existing funds, or new funds, as may	4004
be established by law when needed for capital outlays for which	4005
notes or bonds will be issued;	4006
(G) Transfer or release of all or part of an appropriation to	4007
a state agency requiring controlling board approval of such	4008
transfer or release as provided by law;	4009
(H) Temporary transfer of funds included in the emergency	4010
purposes appropriation of the controlling board. Such temporary	4011
transfers may be made subject to conditions specified by the	4012
controlling board at the time temporary transfers are authorized.	4013
No transfers shall be made under this division for the purpose of	4014
effecting new or changed levels of program service not authorized	4015
by the general assembly.	4016
As used in this section, "request" means an application by a	4017
state agency or the director of budget and management seeking some	4018
action by the controlling board.	4019

When authorizing the transfer of all or part of an 4020  
appropriation under this section, the controlling board may 4021  
authorize the transfer to an existing appropriation item and the 4022  
creation of and transfer to a new appropriation item. 4023

Whenever there is a transfer of all or part of funds included 4024  
in the emergency purposes appropriation by the controlling board, 4025  
pursuant to division (E) of this section, the state agency or the 4026  
director of budget and management receiving such transfer shall 4027  
keep a detailed record of the use of the transferred funds. At the 4028  
earliest scheduled meeting of the controlling board following the 4029  
accomplishment of the purposes specified in the request originally 4030  
seeking the transfer, or following the total expenditure of the 4031  
transferred funds for the specified purposes, the state agency or 4032  
the director of budget and management shall submit a report on the 4033  
expenditure of such funds to the board. The portion of any 4034  
appropriation so transferred which is not required to accomplish 4035  
the purposes designated in the original request to the controlling 4036  
board shall be returned to the proper appropriation of the 4037  
controlling board at this time. 4038

Notwithstanding any provisions of law providing for the 4039  
deposit of revenues received by a state agency to the credit of a 4040  
particular fund in the state treasury, whenever there is a 4041  
temporary transfer of funds included in the emergency purposes 4042  
appropriation of the controlling board pursuant to division (H) of 4043  
this section, revenues received by any state agency receiving such 4044  
a temporary transfer of funds shall, as directed by the 4045  
controlling board, be transferred back to the emergency purposes 4046  
appropriation. 4047

The board may delegate to the director of budget and 4048  
management authority to approve transfers among items of 4049  
appropriation under division (A) of this section. 4050

Sec. 127.16. (A) Upon the request of either a state agency or 4051  
the director of budget and management and after the controlling 4052  
board determines that an emergency or a sufficient economic reason 4053  
exists, the controlling board may approve the making of a purchase 4054  
without competitive selection as provided in division (B) of this 4055  
section. 4056

(B) Except as otherwise provided in this section, no state 4057  
agency, using money that has been appropriated to it directly, 4058  
shall: 4059

(1) Make any purchase from a particular supplier, that would 4060  
amount to fifty thousand dollars or more when combined with both 4061  
the amount of all disbursements to the supplier during the fiscal 4062  
year for purchases made by the agency and the amount of all 4063  
outstanding encumbrances for purchases made by the agency from the 4064  
supplier, unless the purchase is made by competitive selection or 4065  
with the approval of the controlling board; 4066

(2) Lease real estate from a particular supplier, if the 4067  
lease would amount to seventy-five thousand dollars or more when 4068  
combined with both the amount of all disbursements to the supplier 4069  
during the fiscal year for real estate leases made by the agency 4070  
and the amount of all outstanding encumbrances for real estate 4071  
leases made by the agency from the supplier, unless the lease is 4072  
made by competitive selection or with the approval of the 4073  
controlling board. 4074

(C) Any person who authorizes a purchase in violation of 4075  
division (B) of this section shall be liable to the state for any 4076  
state funds spent on the purchase, and the attorney general shall 4077  
collect the amount from the person. 4078

(D) Nothing in division (B) of this section shall be 4079  
construed as: 4080

- (1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code; 4081  
4082  
4083
- (2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code or payments or provider agreements under the disability medical assistance program established under Chapter 5115. of the Revised Code; 4084  
4085  
4086  
4087
- (3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code; 4088  
4089  
4090
- (4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair; 4091  
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- (5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code; 4100  
4101  
4102  
4103
- (6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate. 4104  
4105  
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(7) Applying to purchases made with money for the per cent	4112
for arts program established by section 3379.10 of the Revised	4113
Code;	4114
(8) Applying to purchases made by the rehabilitation services	4115
commission of services, or supplies, that are provided to persons	4116
with disabilities, or to purchases made by the commission in	4117
connection with the eligibility determinations it makes for	4118
applicants of programs administered by the social security	4119
administration;	4120
(9) Applying to payments by the department of job and family	4121
services under section 5111.13 of the Revised Code for group	4122
health plan premiums, deductibles, coinsurance, and other	4123
cost-sharing expenses;	4124
(10) Applying to any agency of the legislative branch of the	4125
state government;	4126
(11) Applying to agreements or contracts entered into under	4127
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	4128
Revised Code;	4129
(12) Applying to purchases of services by the adult parole	4130
authority under section 2967.14 of the Revised Code or by the	4131
department of youth services under section 5139.08 of the Revised	4132
Code;	4133
(13) Applying to dues or fees paid for membership in an	4134
organization or association;	4135
(14) Applying to purchases of utility services pursuant to	4136
section 9.30 of the Revised Code;	4137
(15) Applying to purchases made in accordance with rules	4138
adopted by the department of administrative services of motor	4139
vehicle, aviation, or watercraft fuel, or emergency repairs of	4140
such vehicles;	4141

(16) Applying to purchases of tickets for passenger air transportation;	4142 4143
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	4144 4145 4146
(18) Applying to the judicial branch of state government;	4147
(19) Applying to purchases of liquor for resale by the division of liquor control;	4148 4149
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	4150 4151 4152
(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;	4153 4154 4155 4156
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	4157 4158 4159
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	4160 4161
(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;	4162 4163 4164 4165
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	4166 4167 4168
(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	4169 4170 4171

refund offset program of the internal revenue service of the	4172
United States department of the treasury;	4173
(27) Applying to contracts entered into by the department of	4174
mental retardation and developmental disabilities under <del>sections</del>	4175
<u>section</u> 5123.18, <del>5123.182</del> , and <del>5123.199</del> of the Revised Code;	4176
(28) Applying to payments made by the department of mental	4177
health under a physician recruitment program authorized by section	4178
5119.101 of the Revised Code;	4179
(29) Applying to contracts entered into with persons by the	4180
director of commerce for unclaimed funds collection and remittance	4181
efforts as provided in division (F) of section 169.03 of the	4182
Revised Code. The director shall keep an itemized accounting of	4183
unclaimed funds collected by those persons and amounts paid to	4184
them for their services.	4185
(30) Applying to purchases made by a state institution of	4186
higher education in accordance with the terms of a contract	4187
between the vendor and an inter-university purchasing group	4188
comprised of purchasing officers of state institutions of higher	4189
education;	4190
(31) Applying to the department of job and family services'	4191
purchases of health assistance services under the children's	4192
health insurance program part I provided for under section 5101.50	4193
of the Revised Code or the children's health insurance program	4194
part II provided for under section 5101.51 of the Revised Code;	4195
(32) Applying to payments by the attorney general from the	4196
reparations fund to hospitals and other emergency medical	4197
facilities for performing medical examinations to collect physical	4198
evidence pursuant to section 2907.28 of the Revised Code;	4199
(33) Applying to contracts with a contracting authority or	4200
administrative receiver under division (B) of section 5126.056 of	4201
the Revised Code;	4202

(34) Applying to reimbursements paid to the United States	4203
department of veterans affairs for pharmaceutical and patient	4204
supply purchases made on behalf of the Ohio veterans' home agency;	4205
(35) Applying to agreements entered into with terminal	4206
distributors of dangerous drugs under section 5110.20 of the	4207
Revised Code.	4208
(E) Notwithstanding division (B)(1) of this section, the	4209
cumulative purchase threshold shall be seventy-five thousand	4210
dollars for the departments of mental retardation and	4211
developmental disabilities, mental health, rehabilitation and	4212
correction, and youth services.	4213
(F) When determining whether a state agency has reached the	4214
cumulative purchase thresholds established in divisions (B)(1),	4215
(B)(2), and (E) of this section, all of the following purchases by	4216
such agency shall not be considered:	4217
(1) Purchases made through competitive selection or with	4218
controlling board approval;	4219
(2) Purchases listed in division (D) of this section;	4220
(3) For the purposes of the thresholds of divisions (B)(1)	4221
and (E) of this section only, leases of real estate.	4222
(G) As used in this section, "competitive selection,"	4223
"purchase," "supplies," and "services" have the same meanings as	4224
in section 125.01 of the Revised Code.	4225
<b>Sec. 131.44.</b> (A) As used in this section:	4226
(1) "Surplus revenue" means the excess, if any, of the total	4227
fund balance over the required year-end balance.	4228
(2) "Total fund balance" means the sum of the unencumbered	4229
balance in the general revenue fund on the last day of the	4230
preceding fiscal year plus the balance in the budget stabilization	4231

fund.	4232
(3) "Required year-end balance" means the sum of the	4233
following:	4234
(a) Five per cent of the general revenue fund revenues for	4235
the preceding fiscal year;	4236
(b) "Ending fund balance," which means one-half of one per	4237
cent of general revenue fund revenues for the preceding fiscal	4238
year;	4239
(c) "Carryover balance," which means, with respect to a	4240
fiscal biennium, the excess, if any, of the estimated general	4241
revenue fund appropriation and transfer requirement for the second	4242
fiscal year of the biennium over the estimated general revenue	4243
fund revenue for that fiscal year;	4244
(d) "Capital appropriation reserve," which means the amount,	4245
if any, of general revenue fund capital appropriations made for	4246
the current biennium that the director of budget and management	4247
has determined will be encumbered or disbursed;	4248
(e) "Income tax reduction impact reserve," which means an	4249
amount equal to the reduction projected by the director of budget	4250
and management in income tax revenue in the current fiscal year	4251
attributable to the previous reduction in the income tax rate made	4252
by the tax commissioner pursuant to division (B) of section	4253
5747.02 of the Revised Code.	4254
(4) "Estimated general revenue fund appropriation and	4255
transfer requirement" means the most recent adjusted	4256
appropriations made by the general assembly from the general	4257
revenue fund and includes both of the following:	4258
(a) Appropriations made and transfers of appropriations from	4259
the first fiscal year to the second fiscal year of the biennium in	4260
provisions of acts of the general assembly signed by the governor	4261

but not yet effective; 4262

(b) Transfers of appropriation from the first fiscal year to 4263  
the second fiscal year of the biennium approved by the controlling 4264  
board. 4265

(5) "Estimated general revenue fund revenue" means the most 4266  
recent such estimate available to the director of budget and 4267  
management. 4268

(B)(1) Not later than the thirty-first day of July each year, 4269  
the director of budget and management shall determine the surplus 4270  
revenue that existed on the preceding thirtieth day of June and 4271  
transfer from the general revenue fund, to the extent of the 4272  
unobligated, unencumbered balance on the preceding thirtieth day 4273  
of June in excess of one-half of one per cent of the general 4274  
revenue fund revenues in the preceding fiscal year, the following: 4275

(a) First, to the budget stabilization fund, any amount 4276  
necessary for the balance of the budget stabilization fund to 4277  
equal five per cent of the general revenue fund revenues of the 4278  
preceding fiscal year; 4279

(b) Then, to the income tax reduction fund, which is hereby 4280  
created in the state treasury, an amount equal to the surplus 4281  
revenue. 4282

(2) Not later than the thirty-first day of July each year, 4283  
the director shall determine the percentage that the balance in 4284  
the income tax reduction fund is of the amount of revenue that the 4285  
director estimates will be received from the tax levied under 4286  
section 5747.02 of the Revised Code in the current fiscal year 4287  
without regard to any reduction under division (B) of that 4288  
section. If that percentage exceeds thirty-five one hundredths of 4289  
one per cent, the director shall certify the percentage to the tax 4290  
commissioner not later than the thirty-first day of July. 4291

(C) The director of budget and management shall transfer 4292

money in the income tax reduction fund to the general revenue 4293  
fund, the local ~~government~~ communities fund, and the ~~library and~~ 4294  
local ~~government support~~ libraries fund, ~~and the local government~~ 4295  
~~revenue assistance fund~~ as necessary to offset revenue reductions 4296  
resulting from the reductions in taxes required under division (B) 4297  
of section 5747.02 of the Revised Code in the respective amounts 4298  
and percentages prescribed by ~~divisions~~ division (A)~~(1), (2), and~~ 4299  
~~(4)~~ of section 5747.03 and divisions (A) and (B) of section 133.51 4300  
of the Revised Code as if the amount transferred had been 4301  
collected as taxes under Chapter 5747. of the Revised Code. If no 4302  
reductions in taxes are made under that division that affect 4303  
revenue received in the current fiscal year, the director shall 4304  
not transfer money from the income tax reduction fund to the 4305  
general revenue fund, the local ~~government~~ communities fund, and 4306  
the ~~library and~~ local ~~government support~~ libraries fund, ~~and the~~ 4307  
~~local government revenue assistance fund.~~ 4308

Sec. 131.51. (A) Beginning January 2008, on or before the 4309  
fifth day of each month, the director of budget and management 4310  
shall credit to the local communities fund, which is hereby 4311  
created in the state treasury, three and sixty-eight one 4312  
hundredths per cent of total tax revenue credited to the general 4313  
revenue fund during the preceding month. In determining the total 4314  
tax revenue credited to the general revenue fund during the 4315  
preceding month, the director shall include amounts transferred 4316  
from that fund during the preceding month pursuant to divisions 4317  
(A) and (B) of this section. Money shall be distributed from the 4318  
local communities fund as required under section 5747.50 of the 4319  
Revised Code during the same month in which it is credited to the 4320  
fund. 4321

(B) Beginning January 2008, on or before the fifth day of 4322  
each month, the director of budget and management shall credit to 4323  
the local libraries fund, which is hereby created in the state 4324

treasury, two and twenty-two one hundredths per cent of the total 4325  
tax revenue credited to the general revenue fund during the 4326  
preceding month. In determining the total tax revenue credited to 4327  
the general revenue fund during the preceding month, the director 4328  
shall include amounts transferred from that fund during the 4329  
preceding month pursuant to divisions (A) and (B) of this section. 4330  
Money shall be distributed from the local libraries fund as 4331  
required under section 5747.47 of the Revised Code during the same 4332  
month in which it is credited to the fund. 4333

(C) The director of budget and management shall develop a 4334  
schedule identifying the specific tax revenue sources to be used 4335  
to make the monthly transfers required under divisions (A) and (B) 4336  
of this section. The director may, from time to time, revise the 4337  
schedule as the director considers necessary. 4338

**Sec. 133.01.** As used in this chapter, in sections 9.95, 9.96, 4339  
and 2151.655 of the Revised Code, in other sections of the Revised 4340  
Code that make reference to this chapter unless the context does 4341  
not permit, and in related proceedings, unless otherwise expressly 4342  
provided: 4343

(A) "Acquisition" as applied to real or personal property 4344  
includes, among other forms of acquisition, acquisition by 4345  
exercise of a purchase option, and acquisition of interests in 4346  
property, including, without limitation, easements and 4347  
rights-of-way, and leasehold and other lease interests initially 4348  
extending or extendable for a period of at least sixty months. 4349

(B) "Anticipatory securities" means securities, including 4350  
notes, issued in anticipation of the issuance of other securities. 4351

(C) "Board of elections" means the county board of elections 4352  
of the county in which the subdivision is located. If the 4353  
subdivision is located in more than one county, "board of 4354  
elections" means the county board of elections of the county that 4355

contains the largest portion of the population of the subdivision 4356  
or that otherwise has jurisdiction in practice over and 4357  
customarily handles election matters relating to the subdivision. 4358

(D) "Bond retirement fund" means the bond retirement fund 4359  
provided for in section 5705.09 of the Revised Code, and also 4360  
means a sinking fund or any other special fund, regardless of the 4361  
name applied to it, established by or pursuant to law or the 4362  
proceedings for the payment of debt charges. Provision may be made 4363  
in the applicable proceedings for the establishment in a bond 4364  
retirement fund of separate accounts relating to debt charges on 4365  
particular securities, or on securities payable from the same or 4366  
common sources, and for the application of moneys in those 4367  
accounts only to specified debt charges on specified securities or 4368  
categories of securities. Subject to law and any provisions in the 4369  
applicable proceedings, moneys in a bond retirement fund or 4370  
separate account in a bond retirement fund may be transferred to 4371  
other funds and accounts. 4372

(E) "Capitalized interest" means all or a portion of the 4373  
interest payable on securities from their date to a date stated or 4374  
provided for in the applicable legislation, which interest is to 4375  
be paid from the proceeds of the securities. 4376

(F) "Chapter 133. securities" means securities authorized by 4377  
or issued pursuant to or in accordance with this chapter. 4378

(G) "County auditor" means the county auditor of the county 4379  
in which the subdivision is located. If the subdivision is located 4380  
in more than one county, "county auditor" means the county auditor 4381  
of the county that contains the highest amount of the tax 4382  
valuation of the subdivision or that otherwise has jurisdiction in 4383  
practice over and customarily handles property tax matters 4384  
relating to the subdivision. In the case of a county that has 4385  
adopted a charter, "county auditor" means the officer who 4386  
generally has the duties and functions provided in the Revised 4387

Code for a county auditor. 4388

(H) "Credit enhancement facilities" means letters of credit, 4389  
lines of credit, stand-by, contingent, or firm securities purchase 4390  
agreements, insurance, or surety arrangements, guarantees, and 4391  
other arrangements that provide for direct or contingent payment 4392  
of debt charges, for security or additional security in the event 4393  
of nonpayment or default in respect of securities, or for making 4394  
payment of debt charges to and at the option and on demand of 4395  
securities holders or at the option of the issuer or upon certain 4396  
conditions occurring under put or similar arrangements, or for 4397  
otherwise supporting the credit or liquidity of the securities, 4398  
and includes credit, reimbursement, marketing, remarketing, 4399  
indexing, carrying, interest rate hedge, and subrogation 4400  
agreements, and other agreements and arrangements for payment and 4401  
reimbursement of the person providing the credit enhancement 4402  
facility and the security for that payment and reimbursement. 4403

(I) "Current operating expenses" or "current expenses" means 4404  
the lawful expenditures of a subdivision, except those for 4405  
permanent improvements and for payments of debt charges of the 4406  
subdivision. 4407

(J) "Debt charges" means the principal, including any 4408  
mandatory sinking fund deposits and mandatory redemption payments, 4409  
interest, and any redemption premium, payable on securities as 4410  
those payments come due and are payable. The use of "debt charges" 4411  
for this purpose does not imply that any particular securities 4412  
constitute debt within the meaning of the Ohio Constitution or 4413  
other laws. 4414

(K) "Financing costs" means all costs and expenses relating 4415  
to the authorization, including any required election, issuance, 4416  
sale, delivery, authentication, deposit, custody, clearing, 4417  
registration, transfer, exchange, fractionalization, replacement, 4418  
payment, and servicing of securities, including, without 4419

limitation, costs and expenses for or relating to publication and 4420  
printing, postage, delivery, preliminary and final official 4421  
statements, offering circulars, and informational statements, 4422  
travel and transportation, underwriters, placement agents, 4423  
investment bankers, paying agents, registrars, authenticating 4424  
agents, remarketing agents, custodians, clearing agencies or 4425  
corporations, securities depositories, financial advisory 4426  
services, certifications, audits, federal or state regulatory 4427  
agencies, accounting and computation services, legal services and 4428  
obtaining approving legal opinions and other legal opinions, 4429  
credit ratings, redemption premiums, and credit enhancement 4430  
facilities. Financing costs may be paid from any moneys available 4431  
for the purpose, including, unless otherwise provided in the 4432  
proceedings, from the proceeds of the securities to which they 4433  
relate and, as to future financing costs, from the same sources 4434  
from which debt charges on the securities are paid and as though 4435  
debt charges. 4436

(L) "Fiscal officer" means the following, or, in the case of 4437  
absence or vacancy in the office, a deputy or assistant authorized 4438  
by law or charter to act in the place of the named officer, or if 4439  
there is no such authorization then the deputy or assistant 4440  
authorized by legislation to act in the place of the named officer 4441  
for purposes of this chapter, in the case of the following 4442  
subdivisions: 4443

(1) A county, the county auditor; 4444

(2) A municipal corporation, the city auditor or village 4445  
clerk or clerk-treasurer, or the officer who, by virtue of a 4446  
charter, has the duties and functions provided in the Revised Code 4447  
for the city auditor or village clerk or clerk-treasurer; 4448

(3) A school district, the treasurer of the board of 4449  
education; 4450

(4) A regional water and sewer district, the secretary of the board of trustees;	4451 4452
(5) A joint township hospital district, the treasurer of the district;	4453 4454
(6) A joint ambulance district, the clerk of the board of trustees;	4455 4456
(7) A joint recreation district, the person designated pursuant to section 755.15 of the Revised Code;	4457 4458
(8) A detention facility district or a district organized under section 2151.65 of the Revised Code or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district;	4459 4460 4461 4462 4463
(9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township;	4464 4465 4466
(10) A joint fire district, the clerk of the board of trustees of that district;	4467 4468
(11) A regional or county library district, the person responsible for the financial affairs of that district;	4469 4470
(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	4471 4472 4473
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	4474 4475 4476
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	4477 4478 4479
(15) A subdivision described in division (MM)(17) of this	4480

section, the officer who is designated by law as or performs the 4481  
functions of its chief fiscal officer. 4482

(M) "Fiscal year" has the same meaning as in section 9.34 of 4483  
the Revised Code. 4484

(N) "Fractionalized interests in public obligations" means 4485  
participations, certificates of participation, shares, or other 4486  
instruments or agreements, separate from the public obligations 4487  
themselves, evidencing ownership of interests in public 4488  
obligations or of rights to receive payments of, or on account of, 4489  
principal or interest or their equivalents payable by or on behalf 4490  
of an obligor pursuant to public obligations. 4491

(O) "Fully registered securities" means securities in 4492  
certificated or uncertificated form, registered as to both 4493  
principal and interest in the name of the owner. 4494

(P) "Fund" means to provide for the payment of debt charges 4495  
and expenses related to that payment at or prior to retirement by 4496  
purchase, call for redemption, payment at maturity, or otherwise. 4497

(Q) "General obligation" means securities to the payment of 4498  
debt charges on which the full faith and credit and the general 4499  
property taxing power, including taxes within the tax limitation 4500  
if available to the subdivision, of the subdivision are pledged. 4501

(R) "Interest" or "interest equivalent" means those payments 4502  
or portions of payments, however denominated, that constitute or 4503  
represent consideration for forbearing the collection of money, or 4504  
for deferring the receipt of payment of money to a future time. 4505

(S) "Internal Revenue Code" means the "Internal Revenue Code 4506  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 4507  
includes any laws of the United States providing for application 4508  
of that code. 4509

(T) "Issuer" means any public issuer and any nonprofit 4510

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

(U) "Legislation" means an ordinance or resolution passed by a majority affirmative vote of the then members of the taxing authority unless a different vote is required by charter provisions governing the passage of the particular legislation by the taxing authority.

(V) "Mandatory sinking fund redemption requirements" means amounts required by proceedings to be deposited in a bond retirement fund for the purpose of paying in any year or fiscal year by mandatory redemption prior to stated maturity the principal of securities that is due and payable, except for mandatory prior redemption requirements as provided in those proceedings, in a subsequent year or fiscal year.

(W) "Mandatory sinking fund requirements" means amounts required by proceedings to be deposited in a year or fiscal year in a bond retirement fund for the purpose of paying the principal of securities that is due and payable in a subsequent year or fiscal year.

(X) "Net indebtedness" has the same meaning as in division (A) of section 133.04 of the Revised Code.

(Y) "Obligor," in the case of securities or fractionalized interests in public obligations issued by another person the debt charges or their equivalents on which are payable from payments made by a public issuer, means that public issuer.

(Z) "One purpose" relating to permanent improvements means any one permanent improvement or group or category of permanent improvements for the same utility, enterprise, system, or project, development or redevelopment project, or for or devoted to the same general purpose, function, or use or for which self-supporting securities, based on the same or different sources

of revenues, may be issued or for which special assessments may be 4542  
levied by a single ordinance or resolution. "One purpose" 4543  
includes, but is not limited to, in any case any off-street 4544  
parking facilities relating to another permanent improvement, and: 4545

(1) Any number of roads, highways, streets, bridges, 4546  
sidewalks, and viaducts; 4547

(2) Any number of off-street parking facilities; 4548

(3) In the case of a county, any number of permanent 4549  
improvements for courthouse, jail, county offices, and other 4550  
county buildings, and related facilities; 4551

(4) In the case of a school district, any number of 4552  
facilities and buildings for school district purposes, and related 4553  
facilities. 4554

(AA) "Outstanding," referring to securities, means securities 4555  
that have been issued, delivered, and paid for, except any of the 4556  
following: 4557

(1) Securities canceled upon surrender, exchange, or 4558  
transfer, or upon payment or redemption; 4559

(2) Securities in replacement of which or in exchange for 4560  
which other securities have been issued; 4561

(3) Securities for the payment, or redemption or purchase for 4562  
cancellation prior to maturity, of which sufficient moneys or 4563  
investments, in accordance with the applicable legislation or 4564  
other proceedings or any applicable law, by mandatory sinking fund 4565  
redemption requirements, mandatory sinking fund requirements, or 4566  
otherwise, have been deposited, and credited for the purpose in a 4567  
bond retirement fund or with a trustee or paying or escrow agent, 4568  
whether at or prior to their maturity or redemption, and, in the 4569  
case of securities to be redeemed prior to their stated maturity, 4570  
notice of redemption has been given or satisfactory arrangements 4571

have been made for giving notice of that redemption, or waiver of 4572  
that notice by or on behalf of the affected security holders has 4573  
been filed with the subdivision or its agent for the purpose. 4574

(BB) "Paying agent" means the one or more banks, trust 4575  
companies, or other financial institutions or qualified persons, 4576  
including an appropriate office or officer of the subdivision, 4577  
designated as a paying agent or place of payment of debt charges 4578  
on the particular securities. 4579

(CC) "Permanent improvement" or "improvement" means any 4580  
property, asset, or improvement certified by the fiscal officer, 4581  
which certification is conclusive, as having an estimated life or 4582  
period of usefulness of five years or more, and includes, but is 4583  
not limited to, real estate, buildings, and personal property and 4584  
interests in real estate, buildings, and personal property, 4585  
equipment, furnishings, and site improvements, and reconstruction, 4586  
rehabilitation, renovation, installation, improvement, 4587  
enlargement, and extension of property, assets, or improvements so 4588  
certified as having an estimated life or period of usefulness of 4589  
five years or more. The acquisition of all the stock ownership of 4590  
a corporation is the acquisition of a permanent improvement to the 4591  
extent that the value of that stock is represented by permanent 4592  
improvements. A permanent improvement for parking, highway, road, 4593  
and street purposes includes resurfacing, but does not include 4594  
ordinary repair. 4595

(DD) "Person" has the same meaning as in section 1.59 of the 4596  
Revised Code and also includes any federal, state, interstate, 4597  
regional, or local governmental agency, any subdivision, and any 4598  
combination of those persons. 4599

(EE) "Proceedings" means the legislation, certifications, 4600  
notices, orders, sale proceedings, trust agreement or indenture, 4601  
mortgage, lease, lease-purchase agreement, assignment, credit 4602  
enhancement facility agreements, and other agreements, 4603

instruments, and documents, as amended and supplemented, and any 4604  
election proceedings, authorizing, or providing for the terms and 4605  
conditions applicable to, or providing for the security or sale or 4606  
award of, public obligations, and includes the provisions set 4607  
forth or incorporated in those public obligations and proceedings. 4608

(FF) "Public issuer" means any of the following that is 4609  
authorized by law to issue securities or enter into public 4610  
obligations: 4611

(1) The state, including an agency, commission, officer, 4612  
institution, board, authority, or other instrumentality of the 4613  
state; 4614

(2) A taxing authority, subdivision, district, or other local 4615  
public or governmental entity, and any combination or consortium, 4616  
or public division, district, commission, authority, department, 4617  
board, officer, or institution, thereof; 4618

(3) Any other body corporate and politic, or other public 4619  
entity. 4620

(GG) "Public obligations" means both of the following: 4621

(1) Securities; 4622

(2) Obligations of a public issuer to make payments under 4623  
installment sale, lease, lease purchase, or similar agreements, 4624  
which obligations bear interest or interest equivalent. 4625

(HH) "Refund" means to fund and retire outstanding 4626  
securities, including advance refunding with or without payment or 4627  
redemption prior to maturity. 4628

(II) "Register" means the books kept and maintained by the 4629  
registrar for registration, exchange, and transfer of registered 4630  
securities. 4631

(JJ) "Registrar" means the person responsible for keeping the 4632  
register for the particular registered securities, designated by 4633

or pursuant to the proceedings. 4634

(KK) "Securities" means bonds, notes, certificates of 4635  
indebtedness, commercial paper, and other instruments in writing, 4636  
including, unless the context does not admit, anticipatory 4637  
securities, issued by an issuer to evidence its obligation to 4638  
repay money borrowed, or to pay interest, by, or to pay at any 4639  
future time other money obligations of, the issuer of the 4640  
securities, but not including public obligations described in 4641  
division (GG)(2) of this section. 4642

(LL) "Self-supporting securities" means securities or 4643  
portions of securities issued for the purpose of paying costs of 4644  
permanent improvements to the extent that receipts of the 4645  
subdivision, other than the proceeds of taxes levied by that 4646  
subdivision, derived from or with respect to the improvements or 4647  
the operation of the improvements being financed, or the 4648  
enterprise, system, project, or category of improvements of which 4649  
the improvements being financed are part, are estimated by the 4650  
fiscal officer to be sufficient to pay the current expenses of 4651  
that operation or of those improvements or enterprise, system, 4652  
project, or categories of improvements and the debt charges 4653  
payable from those receipts on securities issued for the purpose. 4654  
Until such time as the improvements or increases in rates and 4655  
charges have been in operation or effect for a period of at least 4656  
six months, the receipts therefrom, for purposes of this 4657  
definition, shall be those estimated by the fiscal officer, except 4658  
that those receipts may include, without limitation, payments made 4659  
and to be made to the subdivision under leases or agreements in 4660  
effect at the time the estimate is made. In the case of an 4661  
operation, improvements, or enterprise, system, project, or 4662  
category of improvements without at least a six-month history of 4663  
receipts, the estimate of receipts by the fiscal officer, other 4664  
than those to be derived under leases and agreements then in 4665

effect, shall be confirmed by the taxing authority.	4666
(MM) "Subdivision" means any of the following:	4667
(1) A county, including a county that has adopted a charter under Article X, Ohio Constitution;	4668 4669
(2) A municipal corporation, including a municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution;	4670 4671 4672
(3) A school district;	4673
(4) A regional water and sewer district organized under Chapter 6119. of the Revised Code;	4674 4675
(5) A joint township hospital district organized under section 513.07 of the Revised Code;	4676 4677
(6) A joint ambulance district organized under section 505.71 of the Revised Code;	4678 4679
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	4680 4681
(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	4682 4683 4684 4685
(9) A township police district organized under section 505.48 of the Revised Code;	4686 4687
(10) A township;	4688
(11) A joint fire district organized under section 505.371 of the Revised Code;	4689 4690
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	4691 4692 4693
(13) A joint solid waste management district organized under	4694

section 343.01 or 343.012 of the Revised Code;	4695
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	4696 4697
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	4698 4699
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	4700 4701
(17) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	4702 4703 4704
(NN) "Taxing authority" means in the case of the following subdivisions:	4705 4706
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;	4707 4708 4709 4710 4711 4712
(2) A municipal corporation, the legislative authority;	4713
(3) A school district, the board of education;	4714
(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district;	4715 4716 4717 4718
(5) A joint township hospital district, the joint township hospital board;	4719 4720
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of	4721 4722 4723 4724

county commissioners; 4725

(7) A township, a fire district organized under division (C) 4726  
of section 505.37 of the Revised Code, or a township police 4727  
district, the board of township trustees; 4728

(8) A joint solid waste management district organized under 4729  
section 343.01 or 343.012 of the Revised Code, the board of 4730  
directors of the district; 4731

(9) A subdivision described in division (MM)(17) of this 4732  
section, the legislative or governing body or official. 4733

(OO) "Tax limitation" means the "ten-mill limitation" as 4734  
defined in section 5705.02 of the Revised Code without diminution 4735  
by reason of section 5705.313 of the Revised Code or otherwise, 4736  
or, in the case of a municipal corporation or county with a 4737  
different charter limitation on property taxes levied to pay debt 4738  
charges on unvoted securities, that charter limitation. Those 4739  
limitations shall be respectively referred to as the "ten-mill 4740  
limitation" and the "charter tax limitation." 4741

(PP) "Tax valuation" means the aggregate of the valuations of 4742  
property subject to ad valorem property taxation by the 4743  
subdivision on the real property, personal property, and public 4744  
utility property tax lists and duplicates most recently certified 4745  
for collection, and shall be calculated without deductions of the 4746  
valuations of otherwise taxable property exempt in whole or in 4747  
part from taxation by reason of exemptions of certain amounts of 4748  
taxable value under division (C) of section 5709.01 ~~or, tax~~ 4749  
reductions under section 323.152 of the Revised Code, or similar 4750  
laws now or in the future in effect. 4751

For purposes of section 133.06 of the Revised Code, "tax 4752  
valuation" shall not include the valuation of tangible personal 4753  
property used in business, telephone or telegraph property, 4754  
interexchange telecommunications company property, or personal 4755

property owned or leased by a railroad company and used in 4756  
railroad operations listed under or described in section 5711.22, 4757  
division (B) or (F) of section 5727.111, or section 5727.12 of the 4758  
Revised Code. 4759

(QQ) "Year" means the calendar year. 4760

(RR) "Administrative agent," "agent," "commercial paper," 4761  
"floating rate interest structure," "indexing agent," "interest 4762  
rate hedge," "interest rate period," "put arrangement," and 4763  
"remarketing agent" have the same meanings as in section 9.98 of 4764  
the Revised Code. 4765

(SS) "Sales tax supported" means obligations to the payment 4766  
of debt charges on which an additional sales tax or additional 4767  
sales taxes have been pledged by the taxing authority of a county 4768  
pursuant to section 133.081 of the Revised Code. 4769

**Sec. 133.10.** (A) In anticipation of the collection of current 4770  
property tax revenues in and for any fiscal year, the taxing 4771  
authority of any subdivision may issue securities, but the 4772  
aggregate principal amount of such securities shall not exceed 4773  
one-half of the amount that the budget commission estimates the 4774  
subdivision will receive from property taxes in that fiscal year 4775  
and prior to the last day of the sixth month following the month 4776  
in which the securities are issued, other than taxes to be 4777  
received for the payment of debt charges or allocated to debt 4778  
charges on securities issued pursuant to division (C) of this 4779  
section, and less all advances. When a partial, semiannual, or 4780  
final property tax settlement is delayed, securities may also be 4781  
issued in anticipation of the receipt of property taxes levied or 4782  
collected for debt charges to the extent necessary to meet such 4783  
debt charges but not in excess of such estimated receipts, less 4784  
all advances. The securities issued pursuant to this division (A) 4785  
shall mature not later than the last day of the sixth month 4786

following the month in which the securities are issued and in any 4787  
case not later than the last day of the fiscal year in which they 4788  
are issued. 4789

(B) In anticipation of the collection of current revenues in 4790  
and for any fiscal year from any source or combination of sources, 4791  
including distributions of any federal or state moneys, other than 4792  
the proceeds of property taxes levied by the subdivision, the 4793  
taxing authority of any subdivision may issue securities, but the 4794  
aggregate principal amount of such securities shall not exceed 4795  
one-half of the amount estimated by the fiscal officer to be 4796  
received by the subdivision from such sources during the remainder 4797  
of such fiscal year, less advances and prior collections. 4798

(C) In anticipation of the collection of current property tax 4799  
revenues in and for any fiscal year, the taxing authority of a 4800  
county, municipal corporation, township, or school district may 4801  
issue securities, but the aggregate principal amount of those 4802  
securities and of any securities issued pursuant to division (A) 4803  
of this section outstanding at the time of issuance shall not 4804  
exceed one-half of the amount that the budget commission estimates 4805  
the subdivision will receive from all property taxes that are to 4806  
be distributed to the subdivision from all settlements of taxes 4807  
that are to be made in the remainder of that fiscal year, other 4808  
than taxes to be received for the payment of debt charges, and 4809  
less all advances. 4810

(D) When the tax settlement scheduled under division (B) of 4811  
section 321.24 of the Revised Code is delayed pursuant to division 4812  
(E) of that section, the taxing authority of a school district may 4813  
issue property tax anticipation securities against the taxes to be 4814  
included in that settlement, but the aggregate principal amount of 4815  
all securities outstanding against those taxes shall not exceed 4816  
ninety per cent of the amount estimated to be received from that 4817  
settlement by the budget commission, other than taxes to be 4818

received for the payment of debt charges, and less all advances. 4819  
The securities issued pursuant to this division (D) shall mature 4820  
on or before the next ensuing thirty-first day of August. 4821

(E) This division applies to all securities authorized by 4822  
this section. 4823

(1) The amounts from the sources anticipated needed to pay 4824  
debt charges and financing costs shall be considered appropriated 4825  
for that purpose, and other appropriations from those sources by 4826  
the taxing authority shall be limited to the balance available 4827  
after deducting the amount to pay those debt charges and financing 4828  
costs. The portions of those amounts as received and to be applied 4829  
to those debt charges shall be deposited and set aside in an 4830  
account for the purpose in the bond retirement fund in the amounts 4831  
and at the times required to pay those debt charges as provided 4832  
for by the authorizing legislation or otherwise provided by law. 4833

(2) Except as otherwise provided in division (H) of this 4834  
section, the securities shall not be issued prior to the first day 4835  
and, except as otherwise provided in divisions (A) and (D) of this 4836  
section, shall mature not later than the last day of the fiscal 4837  
year for which the revenues are anticipated. 4838

(3) The proceeds of the principal amount of the securities 4839  
shall be used only for the purposes for which the amounts 4840  
anticipated were levied, collected, distributed, and appropriated, 4841  
and for financing costs related to those securities. 4842

(4) Property taxes include distributions from the state in 4843  
payment of credits against or partial exemptions from, or 4844  
reduction of, property taxes. 4845

(5) If for any reason debt charges on securities authorized 4846  
by this section are not paid by the subdivision in the fiscal year 4847  
when due, the taxing authority of the subdivision shall include in 4848  
its next annual appropriation measure an amount sufficient to pay 4849

those debt charges, and the county auditor and county treasurer 4850  
shall withhold, in a custodial account, amounts due the 4851  
subdivision from the sources anticipated until such amount is 4852  
accumulated by those officers and they directly pay or provide, 4853  
through the paying agent or otherwise, for the payment of those 4854  
debt charges. 4855

(F) The authority to issue securities under divisions (A) and 4856  
(B) of this section may be exercised by any board of library 4857  
trustees of a public library, or board of park commissioners of a 4858  
township, to which the budget commission has allotted a share of 4859  
the local ~~government~~ communities fund under section 5747.51 of the 4860  
Revised Code or of the ~~library and local government support~~ 4861  
libraries fund under section 5707.051 of the Revised Code. 4862

(G) The taxing authority of a school district issuing 4863  
securities under division (A), (C), or (D) of this section shall 4864  
in the legislation authorizing the securities affirm the levy of, 4865  
or covenant to levy, the anticipated property taxes to be 4866  
collected in the following year. 4867

(H) The taxing authority of a school district may issue 4868  
securities authorized by this section on or after the tenth day 4869  
preceding the first day of the fiscal year for which the revenues 4870  
are anticipated; provided, that if the taxing authority of a 4871  
school district issues securities authorized by this section prior 4872  
to the first day of the fiscal year for which the revenues are 4873  
anticipated: 4874

(1) None of the proceeds received by the school district from 4875  
the sale of the securities shall be considered available for 4876  
appropriation prior to the first day of the fiscal year for which 4877  
the revenues are anticipated; and 4878

(2) None of the proceeds received by the school district from 4879  
the sale of the securities shall be expended prior to the first 4880

day of the fiscal year for which the revenues are anticipated. 4881

**Sec. 133.25.** (A) After the issuance of general obligation 4882  
securities or of securities to which section 133.24 of the Revised 4883  
Code applies, the taxing authority of the subdivision shall 4884  
include in its annual tax budget, and levy a property tax in a 4885  
sufficient amount, with any other moneys available for the 4886  
purpose, to pay the debt charges on the securities payable from 4887  
property taxes. The necessary property tax rate shall be included 4888  
in the fiscal year tax budget that is certified by the subdivision 4889  
to the county budget commission, and, if within the ten-mill 4890  
limitation, shall be without diminution by reason of section 4891  
5705.313 of the Revised Code or any similar provisions. 4892

(B) If the taxing authority determines it to be necessary or 4893  
appropriate, and if not prohibited by other law, legislation 4894  
relating to Chapter 133. securities may, or that legislation may 4895  
provide for proceedings that may, contain or provide for any one 4896  
or more or combination of the following: 4897

(1) The pledge to the payment of debt charges of, and related 4898  
covenants to levy, charge, collect, deposit, and apply, receipts 4899  
of the subdivision lawfully available for the purpose, referred to 4900  
in this division (B) as pledged receipts, including, without 4901  
limitation, ad valorem property taxes as permitted by law, income 4902  
taxes, excises, utility and service revenues, local ~~government~~ 4903  
communities fund, school foundation, and moneys described in 4904  
Section 5a of Article XII, Ohio Constitution, and any other 4905  
receipts from taxes, excises, permits, licenses, fines, or other 4906  
sources of revenue of or of revenue distributions to the 4907  
subdivision, and covenants for the establishment, investment, 4908  
segregation, and maintenance of any funds or reserves in 4909  
connection with the securities. No pledge or covenant may be made 4910  
that impairs the express contract rights of the holders of 4911

outstanding securities of the subdivision. 4912

(2) Designation of a bank or trust company authorized to 4913  
exercise corporate trust powers in this state as a fiscal agent 4914  
for the securities, which fiscal agent may be a purchaser of any 4915  
securities and fiscal agent for any other securities of the 4916  
subdivision, and provision for the periodic deposit of pledged 4917  
receipts in one or more separate bank accounts, funds, or other 4918  
accounts established with the fiscal agent, including provision 4919  
for pledged receipts collected or paid by the state or another 4920  
subdivision to be transferred, by the appropriate officer of the 4921  
state or other subdivision having charge of the distribution of 4922  
the pledged receipts to the subdivision, directly to the fiscal 4923  
agent for such deposit, which officers shall transfer such pledged 4924  
receipts in accordance with this division and the legislation. The 4925  
fiscal agent shall disburse moneys so held in accordance with the 4926  
legislation, including the transfer of moneys to paying agents or 4927  
to persons providing credit enhancement facilities at the times 4928  
and in the amounts required. Until needed for that purpose, and 4929  
subject to any limitations in the legislation, the fiscal agent 4930  
shall either deposit such moneys on behalf of the subdivision in 4931  
an institution that is eligible to become a public depository 4932  
pursuant to section 135.03 of the Revised Code or invest the 4933  
moneys on behalf of the subdivision in obligations that are under 4934  
applicable law lawful for the investment of the particular moneys. 4935  
Divisions (D), (E), and (G) of section 135.04 and sections 135.08 4936  
and 135.09 of the Revised Code do not apply to any such deposits 4937  
or investments. Amounts so held and received by a fiscal agent 4938  
shall be accounted for in the appropriate special funds of the 4939  
subdivision as if held in the treasury of the subdivision, and the 4940  
fiscal agent shall provide such information to the subdivision and 4941  
to the auditor of state as is necessary for the purpose. 4942

(3) Covenants of the subdivision and other provisions to 4943

protect and safeguard the security and rights of the holders of 4944  
the securities and of the providers of any credit enhancement 4945  
facilities and provisions for defeasance, including, without 4946  
limiting the generality of the foregoing, such covenants and 4947  
provisions as to: 4948

(a) Establishment and maintenance of the funds to be held by 4949  
a fiscal agent as provided in this division, the times, amounts, 4950  
and levels for deposit to such funds, and the obligations in which 4951  
the proceeds of such funds may be invested pending their use, 4952  
subject to limitations on investment of public funds otherwise 4953  
provided for by law or charter or by the legislation; 4954

(b) The appointment, rights, powers, and duties of the fiscal 4955  
agent, and vesting in the fiscal agent all or any of those rights, 4956  
powers, and duties in trust; 4957

(c) Compliance with the provisions of this chapter and other 4958  
laws applicable to the payment of debt charges on securities of 4959  
the subdivision, including Chapter 5705. of the Revised Code; 4960

(d) Conditions that would give rise to an event of default 4961  
under the terms of the legislation, and actions and remedies that 4962  
any fiscal agent may take or assert on behalf of the holders of 4963  
the securities. 4964

(4) As rights and remedies of the holders of securities, in 4965  
addition to any other rights and remedies under law, but subject 4966  
to the terms of the legislation and of any credit enhancement 4967  
facility, provision that if the subdivision defaults in the 4968  
payment of debt charges on the securities and such default 4969  
continues for a period of thirty days, or if the subdivision fails 4970  
or refuses to comply with the requirements of this chapter or the 4971  
applicable proceedings, or defaults in any contract made with the 4972  
holders of those securities, the holders of not less than 4973  
twenty-five per cent in principal amount of the outstanding 4974

securities of that issue may appoint a trustee, who may be the 4975  
fiscal agent, to represent those holders for the purposes provided 4976  
in this division (B)(4). That trustee may, and upon written 4977  
request of the holders of not less than twenty-five per cent in 4978  
principal amount of those securities then outstanding shall, in 4979  
its own name exercise all or any of the powers of such holders 4980  
under division (B)(3) of this section and in addition may: 4981

(a) Bring action for payment of any debt charges then due on 4982  
the securities; 4983

(b) By mandamus or other action or proceeding enforce all 4984  
rights of the holders of the securities, including any right to 4985  
require the subdivision to assess, levy, charge, collect, and 4986  
apply pledged receipts adequate to carry out the provisions of the 4987  
legislation and any agreement with those holders and to perform 4988  
its duties under the legislation and this chapter; 4989

(c) Bring action upon the securities; 4990

(d) By action, require the subdivision to account as if it 4991  
were the trustee of an express trust for the holders of the 4992  
securities; 4993

(e) By action, enjoin any acts or things that may be unlawful 4994  
or in violation of the rights of the holders of those securities; 4995

(f) Except in the case of securities payable from a property 4996  
tax, declare all securities of the issue due and payable, and if 4997  
all defaults are subsequently corrected, then, with the consent of 4998  
the holders of not less than ten per cent in principal amount of 4999  
those securities then outstanding, rescind and annul that 5000  
declaration and its consequences. 5001

In addition to the foregoing, the trustee shall have all of 5002  
the powers necessary or appropriate for the exercise of any 5003  
functions specifically set forth in this section or the 5004  
legislation or incident to the general representation of the 5005

holders of those securities in the enforcement and protection of 5006  
their rights. 5007

(5) Contracts or other arrangements for credit enhancement 5008  
facilities, which may be with a fiscal agent. The costs of or 5009  
under credit enhancement facilities may be paid from any moneys of 5010  
the subdivision lawfully available for the purpose. The credit 5011  
enhancement facility may be for the benefit of holders of the 5012  
particular securities and of any other securities of the 5013  
subdivision. Any such benefit conferred with respect to other 5014  
securities shall not be deemed to restrict, preclude, or otherwise 5015  
impair any rights that those holders otherwise may assert. 5016

(C) Unless otherwise provided in the proceedings, the holders 5017  
of not less than ten per cent in principal amount of the 5018  
particular securities at the time outstanding, whether or not then 5019  
due and payable or reduced to judgment and either on their own 5020  
behalf or on behalf of all persons similarly situated, may: 5021

(1) By mandamus, mandatory or other injunction, or any other 5022  
order, writ, process, or decree, or by any other action or 5023  
proceeding, enforce all contractual or other rights of such 5024  
holders, including any right to require the subdivision to assess, 5025  
levy, charge, collect, and apply the pledged receipts pledged to 5026  
carry out the provisions of any agreement with such holders and 5027  
perform its duties under the legislation and this chapter; 5028

(2) In the case of default in payment of debt charges on 5029  
their securities, commence an action upon their securities to 5030  
require the subdivision to account as if it were the trustee of an 5031  
express trust for those holders or to enjoin any acts or things 5032  
that may be unlawful or in violation of the rights of those 5033  
holders. 5034

(D) The state pledges to and agrees with the holders of 5035  
Chapter 133. securities that the state will not, by enacting any 5036

law or adopting any rule, repeal, revoke, repudiate, limit, alter, 5037  
stay, suspend, or otherwise reduce, rescind, or impair the power 5038  
or duty of a subdivision to exercise, perform, carry out, and 5039  
fulfill its responsibilities or covenants under this chapter or 5040  
legislation or agreements as to its Chapter 133. securities, 5041  
including a credit enhancement facility, passed or entered into 5042  
pursuant to this chapter, or repeal, revoke, repudiate, limit, 5043  
alter, stay, suspend, or otherwise reduce, rescind, or impair the 5044  
rights and remedies of any such holders fully to enforce such 5045  
responsibilities, covenants, and agreements or to enforce the 5046  
pledge and agreement of the state contained in this division, or 5047  
otherwise exercise any sovereign power materially impairing or 5048  
materially inconsistent with the provisions of such legislation, 5049  
covenants, and agreements. The general assembly determines and 5050  
declares that the provisions of this chapter and the powers and 5051  
duties of subdivisions authorized and imposed under this chapter 5052  
are proper, reasonable, and appropriate means by which the state 5053  
can and should exercise and has exercised its duties and powers 5054  
under the Ohio Constitution, and that those provisions are 5055  
necessary and in the public interest and a proper means to better 5056  
provide for the security for, and market reception for the 5057  
purchase of, those securities. This pledge and agreement shall be 5058  
of no force and effect as to securities that are not outstanding. 5059  
This pledge and agreement by the state may be temporarily 5060  
suspended upon the declaration of martial law in the subdivision 5061  
in the event of circumstances deriving directly out of a natural 5062  
disaster, such as an earthquake or major conflagration or flood 5063  
but not a snowstorm or civil disturbance, or out of military 5064  
invasions or civil insurrections, but not strikes or crises 5065  
created by financial or economic events. Payment for securities by 5066  
the original and subsequent holders shall be deemed conclusive 5067  
evidence of valuable consideration received by the state and 5068  
subdivision for this pledge and agreement, and any action by the 5069

state contrary to or inconsistent with this division is void as 5070  
applied to those securities. The state hereby grants any such 5071  
benefited holder the right to sue the state and enforce this 5072  
pledge and agreement, and waives all rights of defense based on 5073  
sovereign immunity or sovereign power in such an action or suit, 5074  
it being expressly determined and declared that the continued 5075  
integrity of the contract of any such holder is essential to the 5076  
continued right of the subdivision to issue and pay debt charges 5077  
on securities as a subdivision of the state. Nothing in this 5078  
division requires the state to continue any particular level of 5079  
appropriations of moneys, or precludes the state from authorizing 5080  
the subdivision to exercise, or the subdivision from exercising, 5081  
subject to approval of the tax commissioner, any power provided by 5082  
law to seek application of laws then in effect under the 5083  
bankruptcy provisions of the United States Constitution but in any 5084  
case providing for debt charges as provided in section 133.36 of 5085  
the Revised Code, or to preclude the state from further exercise 5086  
of any of its powers and responsibilities under the Ohio 5087  
Constitution. 5088

(E) Moneys and investments held by the subdivision or a 5089  
paying agent or a fiscal agent, and all receipts of the 5090  
subdivision, needed and allocated to payment of debt charges or 5091  
payments by the subdivision under credit enhancement facilities, 5092  
are property of the subdivision devoted to essential governmental 5093  
purposes and accordingly shall not be applied to any purpose other 5094  
than as provided in this chapter and in the legislation, and shall 5095  
not be subject to any order, judgment, lien, execution, 5096  
attachment, setoff, or counterclaim by any creditor or judgment 5097  
creditor, as a result of a tort judgment or otherwise, of the 5098  
subdivision other than the holders of the securities or the 5099  
provider of the credit enhancement facility who are entitled 5100  
thereto pursuant to this chapter and the legislation. 5101

Sec. 135.35. (A) The investing authority shall deposit or 5102  
invest any part or all of the county's inactive moneys and shall 5103  
invest all of the money in the county ~~library and local government~~ 5104  
~~support libraries~~ fund when required by section 135.352 of the 5105  
Revised Code. The following classifications of securities and 5106  
obligations are eligible for such deposit or investment: 5107

(1) United States treasury bills, notes, bonds, or any other 5108  
obligation or security issued by the United States treasury, any 5109  
other obligation guaranteed as to principal or interest by the 5110  
United States, or any book entry, zero-coupon United States 5111  
treasury security that is a direct obligation of the United 5112  
States. 5113

Nothing in the classification of eligible securities and 5114  
obligations set forth in divisions (A)(2) to (11) of this section 5115  
shall be construed to authorize any investment in stripped 5116  
principal or interest obligations of such eligible securities and 5117  
obligations. 5118

(2) Bonds, notes, debentures, or any other obligations or 5119  
securities issued by any federal government agency or 5120  
instrumentality, including but not limited to, the federal 5121  
national mortgage association, federal home loan bank, federal 5122  
farm credit bank, federal home loan mortgage corporation, 5123  
government national mortgage association, and student loan 5124  
marketing association. All federal agency securities shall be 5125  
direct issuances of federal government agencies or 5126  
instrumentalities. 5127

(3) Time certificates of deposit or savings or deposit 5128  
accounts, including, but not limited to, passbook accounts, in any 5129  
eligible institution mentioned in section 135.32 of the Revised 5130  
Code; 5131

(4) Bonds and other obligations of this state or the 5132

political subdivisions of this state, provided that such political 5133  
subdivisions are located wholly or partly within the same county 5134  
as the investing authority; 5135

(5) No-load money market mutual funds consisting exclusively 5136  
of obligations described in division (A)(1) or (2) of this section 5137  
and repurchase agreements secured by such obligations, provided 5138  
that investments in securities described in this division are made 5139  
only through eligible institutions mentioned in section 135.32 of 5140  
the Revised Code; 5141

(6) The Ohio subdivision's fund as provided in section 135.45 5142  
of the Revised Code; 5143

(7) Securities lending agreements with any eligible 5144  
institution mentioned in section 135.32 of the Revised Code that 5145  
is a member of the federal reserve system or federal home loan 5146  
bank or with any recognized United States government securities 5147  
dealer meeting the description in division (J)(1) of this section, 5148  
under the terms of which agreements the investing authority lends 5149  
securities and the eligible institution or dealer agrees to 5150  
simultaneously exchange similar securities or cash, equal value 5151  
for equal value. 5152

Securities and cash received as collateral for a securities 5153  
lending agreement are not inactive moneys of the county or moneys 5154  
of a county ~~library and local government support libraries~~ fund. 5155  
The investment of cash collateral received pursuant to a 5156  
securities lending agreement may be invested only in instruments 5157  
specified by the investing authority in the written investment 5158  
policy described in division (K) of this section. 5159

(8) Up to twenty-five per cent of the county's total average 5160  
portfolio in either of the following investments: 5161

(a) Commercial paper notes issued by an entity that is 5162  
defined in division (D) of section 1705.01 of the Revised Code and 5163

that has assets exceeding five hundred million dollars, to which 5164  
notes all of the following apply: 5165

(i) The notes are rated at the time of purchase in the 5166  
highest classification established by at least two nationally 5167  
recognized standard rating services. 5168

(ii) The aggregate value of the notes does not exceed ten per 5169  
cent of the aggregate value of the outstanding commercial paper of 5170  
the issuing corporation. 5171

(iii) The notes mature not later than two hundred seventy 5172  
days after purchase. 5173

(b) Bankers acceptances of banks that are insured by the 5174  
federal deposit insurance corporation and to which both of the 5175  
following apply: 5176

(i) The obligations are eligible for purchase by the federal 5177  
reserve system. 5178

(ii) The obligations mature not later than one hundred eighty 5179  
days after purchase. 5180

No investment shall be made pursuant to division (A)(8) of 5181  
this section unless the investing authority has completed 5182  
additional training for making the investments authorized by 5183  
division (A)(8) of this section. The type and amount of additional 5184  
training shall be approved by the auditor of state and may be 5185  
conducted by or provided under the supervision of the auditor of 5186  
state. 5187

(9) Up to fifteen per cent of the county's total average 5188  
portfolio in notes issued by corporations that are incorporated 5189  
under the laws of the United States and that are operating within 5190  
the United States, or by depository institutions that are doing 5191  
business under authority granted by the United States or any state 5192  
and that are operating within the United States, provided both of 5193

the following apply:	5194
(a) The notes are rated in the second highest or higher category by at least two nationally recognized standard rating services at the time of purchase.	5195 5196 5197
(b) The notes mature not later than two years after purchase.	5198
(10) No-load money market mutual funds rated in the highest category at the time of purchase by at least one nationally recognized standard rating service and consisting exclusively of obligations described in division (A)(1), (2), or (6) of section 135.143 of the Revised Code;	5199 5200 5201 5202 5203
(11) Debt interests rated at the time of purchase in the three highest categories by two nationally recognized standard rating services and issued by foreign nations diplomatically recognized by the United States government. All interest and principal shall be denominated and payable in United States funds. The investments made under division (A)(11) of this section shall not exceed in the aggregate one per cent of a county's total average portfolio.	5204 5205 5206 5207 5208 5209 5210 5211
The investing authority shall invest under division (A)(11) of this section in a debt interest issued by a foreign nation only if the debt interest is backed by the full faith and credit of that foreign nation, there is no prior history of default, and the debt interest matures not later than five years after purchase. For purposes of division (A)(11) of this section, a debt interest is rated in the three highest categories by two nationally recognized standard rating services if either the debt interest itself or the issuer of the debt interest is rated, or is implicitly rated, at the time of purchase in the three highest categories by two nationally recognized standard rating services.	5212 5213 5214 5215 5216 5217 5218 5219 5220 5221 5222
(B) Nothing in the classifications of eligible obligations and securities set forth in divisions (A)(1) to (11) of this	5223 5224

section shall be construed to authorize investment in a 5225  
derivative, and no investing authority shall invest any county 5226  
inactive moneys or any moneys in a county ~~library and~~ local 5227  
~~government support libraries~~ fund in a derivative. For purposes of 5228  
this division, "derivative" means a financial instrument or 5229  
contract or obligation whose value or return is based upon or 5230  
linked to another asset or index, or both, separate from the 5231  
financial instrument, contract, or obligation itself. Any 5232  
security, obligation, trust account, or other instrument that is 5233  
created from an issue of the United States treasury or is created 5234  
from an obligation of a federal agency or instrumentality or is 5235  
created from both is considered a derivative instrument. An 5236  
eligible investment described in this section with a variable 5237  
interest rate payment, based upon a single interest payment or 5238  
single index comprised of other eligible investments provided for 5239  
in division (A)(1) or (2) of this section, is not a derivative, 5240  
provided that such variable rate investment has a maximum maturity 5241  
of two years. A treasury inflation-protected security shall not be 5242  
considered a derivative, provided the security matures not later 5243  
than five years after purchase. 5244

(C) Except as provided in division (D) of this section, any 5245  
investment made pursuant to this section must mature within five 5246  
years from the date of settlement, unless the investment is 5247  
matched to a specific obligation or debt of the county or to a 5248  
specific obligation or debt of a political subdivision of this 5249  
state located wholly or partly within the county, and the 5250  
investment is specifically approved by the investment advisory 5251  
committee. 5252

(D) The investing authority may also enter into a written 5253  
repurchase agreement with any eligible institution mentioned in 5254  
section 135.32 of the Revised Code or any eligible securities 5255  
dealer pursuant to division (J) of this section, under the terms 5256

of which agreement the investing authority purchases and the 5257  
eligible institution or dealer agrees unconditionally to 5258  
repurchase any of the securities listed in divisions (B)(1) to 5259  
(5), except letters of credit described in division (B)(2), of 5260  
section 135.18 of the Revised Code. The market value of securities 5261  
subject to an overnight written repurchase agreement must exceed 5262  
the principal value of the overnight written repurchase agreement 5263  
by at least two per cent. A written repurchase agreement must 5264  
exceed the principal value of the overnight written repurchase 5265  
agreement, by at least two per cent. A written repurchase 5266  
agreement shall not exceed thirty days, and the market value of 5267  
securities subject to a written repurchase agreement must exceed 5268  
the principal value of the written repurchase agreement by at 5269  
least two per cent and be marked to market daily. All securities 5270  
purchased pursuant to this division shall be delivered into the 5271  
custody of the investing authority or the qualified custodian of 5272  
the investing authority or an agent designated by the investing 5273  
authority. A written repurchase agreement with an eligible 5274  
securities dealer shall be transacted on a delivery versus payment 5275  
basis. The agreement shall contain the requirement that for each 5276  
transaction pursuant to the agreement the participating 5277  
institution shall provide all of the following information: 5278

- (1) The par value of the securities; 5279
- (2) The type, rate, and maturity date of the securities; 5280
- (3) A numerical identifier generally accepted in the 5281  
securities industry that designates the securities. 5282

No investing authority shall enter into a written repurchase 5283  
agreement under the terms of which the investing authority agrees 5284  
to sell securities owned by the county to a purchaser and agrees 5285  
with that purchaser to unconditionally repurchase those 5286  
securities. 5287

(E) No investing authority shall make an investment under 5288  
this section, unless the investing authority, at the time of 5289  
making the investment, reasonably expects that the investment can 5290  
be held until its maturity. The investing authority's written 5291  
investment policy shall specify the conditions under which an 5292  
investment may be redeemed or sold prior to maturity. 5293

(F) No investing authority shall pay a county's inactive 5294  
moneys or moneys of a county ~~library and local government support~~ 5295  
libraries fund into a fund established by another subdivision, 5296  
treasurer, governing board, or investing authority, if that fund 5297  
was established by the subdivision, treasurer, governing board, or 5298  
investing authority for the purpose of investing or depositing the 5299  
public moneys of other subdivisions. This division does not apply 5300  
to the payment of public moneys into either of the following: 5301

(1) The Ohio subdivision's fund pursuant to division (A)(6) 5302  
of this section; 5303

(2) A fund created solely for the purpose of acquiring, 5304  
constructing, owning, leasing, or operating municipal utilities 5305  
pursuant to the authority provided under section 715.02 of the 5306  
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 5307

For purposes of division (F) of this section, "subdivision" 5308  
includes a county. 5309

(G) The use of leverage, in which the county uses its current 5310  
investment assets as collateral for the purpose of purchasing 5311  
other assets, is prohibited. The issuance of taxable notes for the 5312  
purpose of arbitrage is prohibited. Contracting to sell securities 5313  
not owned by the county, for the purpose of purchasing such 5314  
securities on the speculation that bond prices will decline, is 5315  
prohibited. 5316

(H) Any securities, certificates of deposit, deposit 5317  
accounts, or any other documents evidencing deposits or 5318

investments made under authority of this section shall be issued 5319  
in the name of the county with the county treasurer or investing 5320  
authority as the designated payee. If any such deposits or 5321  
investments are registrable either as to principal or interest, or 5322  
both, they shall be registered in the name of the treasurer. 5323

(I) The investing authority shall be responsible for the 5324  
safekeeping of all documents evidencing a deposit or investment 5325  
acquired under this section, including, but not limited to, 5326  
safekeeping receipts evidencing securities deposited with a 5327  
qualified trustee, as provided in section 135.37 of the Revised 5328  
Code, and documents confirming the purchase of securities under 5329  
any repurchase agreement under this section shall be deposited 5330  
with a qualified trustee, provided, however, that the qualified 5331  
trustee shall be required to report to the investing authority, 5332  
auditor of state, or an authorized outside auditor at any time 5333  
upon request as to the identity, market value, and location of the 5334  
document evidencing each security, and that if the participating 5335  
institution is a designated depository of the county for the 5336  
current period of designation, the securities that are the subject 5337  
of the repurchase agreement may be delivered to the treasurer or 5338  
held in trust by the participating institution on behalf of the 5339  
investing authority. 5340

Upon the expiration of the term of office of an investing 5341  
authority or in the event of a vacancy in the office for any 5342  
reason, the officer or the officer's legal representative shall 5343  
transfer and deliver to the officer's successor all documents 5344  
mentioned in this division for which the officer has been 5345  
responsible for safekeeping. For all such documents transferred 5346  
and delivered, the officer shall be credited with, and the 5347  
officer's successor shall be charged with, the amount of moneys 5348  
evidenced by such documents. 5349

(J)(1) All investments, except for investments in securities 5350

described in divisions (A)(5) and (6) of this section, shall be 5351  
made only through a member of the national association of 5352  
securities dealers, through a bank, savings bank, or savings and 5353  
loan association regulated by the superintendent of financial 5354  
institutions, or through an institution regulated by the 5355  
comptroller of the currency, federal deposit insurance 5356  
corporation, or board of governors of the federal reserve system. 5357

(2) Payment for investments shall be made only upon the 5358  
delivery of securities representing such investments to the 5359  
treasurer, investing authority, or qualified trustee. If the 5360  
securities transferred are not represented by a certificate, 5361  
payment shall be made only upon receipt of confirmation of 5362  
transfer from the custodian by the treasurer, governing board, or 5363  
qualified trustee. 5364

(K)(1) Except as otherwise provided in division (K)(2) of 5365  
this section, no investing authority shall make an investment or 5366  
deposit under this section, unless there is on file with the 5367  
auditor of state a written investment policy approved by the 5368  
investing authority. The policy shall require that all entities 5369  
conducting investment business with the investing authority shall 5370  
sign the investment policy of that investing authority. All 5371  
brokers, dealers, and financial institutions, described in 5372  
division (J)(1) of this section, initiating transactions with the 5373  
investing authority by giving advice or making investment 5374  
recommendations shall sign the investing authority's investment 5375  
policy thereby acknowledging their agreement to abide by the 5376  
policy's contents. All brokers, dealers, and financial 5377  
institutions, described in division (J)(1) of this section, 5378  
executing transactions initiated by the investing authority, 5379  
having read the policy's contents, shall sign the investment 5380  
policy thereby acknowledging their comprehension and receipt. 5381

(2) If a written investment policy described in division 5382

(K)(1) of this section is not filed on behalf of the county with 5383  
the auditor of state, the investing authority of that county shall 5384  
invest the county's inactive moneys and moneys of the county 5385  
~~library and local government support libraries~~ fund only in time 5386  
certificates of deposits or savings or deposit accounts pursuant 5387  
to division (A)(3) of this section, no-load money market mutual 5388  
funds pursuant to division (A)(5) of this section, or the Ohio 5389  
subdivision's fund pursuant to division (A)(6) of this section. 5390

(L)(1) The investing authority shall establish and maintain 5391  
an inventory of all obligations and securities acquired by the 5392  
investing authority pursuant to this section. The inventory shall 5393  
include a description of each obligation or security, including 5394  
type, cost, par value, maturity date, settlement date, and any 5395  
coupon rate. 5396

(2) The investing authority shall also keep a complete record 5397  
of all purchases and sales of the obligations and securities made 5398  
pursuant to this section. 5399

(3) The investing authority shall maintain a monthly 5400  
portfolio report and issue a copy of the monthly portfolio report 5401  
describing such investments to the county investment advisory 5402  
committee, detailing the current inventory of all obligations and 5403  
securities, all transactions during the month that affected the 5404  
inventory, any income received from the obligations and 5405  
securities, and any investment expenses paid, and stating the 5406  
names of any persons effecting transactions on behalf of the 5407  
investing authority. 5408

(4) The monthly portfolio report shall be a public record and 5409  
available for inspection under section 149.43 of the Revised Code. 5410

(5) The inventory and the monthly portfolio report shall be 5411  
filed with the board of county commissioners. 5412

(M) An investing authority may enter into a written 5413

investment or deposit agreement that includes a provision under 5414  
which the parties agree to submit to nonbinding arbitration to 5415  
settle any controversy that may arise out of the agreement, 5416  
including any controversy pertaining to losses of public moneys 5417  
resulting from investment or deposit. The arbitration provision 5418  
shall be set forth entirely in the agreement, and the agreement 5419  
shall include a conspicuous notice to the parties that any party 5420  
to the arbitration may apply to the court of common pleas of the 5421  
county in which the arbitration was held for an order to vacate, 5422  
modify, or correct the award. Any such party may also apply to the 5423  
court for an order to change venue to a court of common pleas 5424  
located more than one hundred miles from the county in which the 5425  
investing authority is located. 5426

For purposes of this division, "investment or deposit 5427  
agreement" means any agreement between an investing authority and 5428  
a person, under which agreement the person agrees to invest, 5429  
deposit, or otherwise manage, on behalf of the investing 5430  
authority, a county's inactive moneys or moneys in a county 5431  
~~library and local government support libraries~~ fund, or agrees to 5432  
provide investment advice to the investing authority. 5433

(N) An investment held in the county portfolio on September 5434  
27, 1996, that was a legal investment under the law as it existed 5435  
before September 27, 1996, may be held until maturity, or if the 5436  
investment does not have a maturity date the investment may be 5437  
held until five years from September 27, 1996, regardless of 5438  
whether the investment would qualify as a legal investment under 5439  
the terms of this section as amended. 5440

**Sec. 135.352.** The investment authority shall invest all 5441  
moneys in the county ~~library and local government support~~ 5442  
libraries fund that are not distributed due to an appeal of the 5443  
budget commission's allocation of such fund. Interest earned on 5444

such investments shall be credited to the fund and distributed in 5445  
accordance with section 5747.48 of the Revised Code. 5446

**Sec. 151.08.** This section applies to obligations as defined 5447  
in this section. 5448

(A) As used in this section: 5449

(1) "Capital facilities" or "capital improvement projects" 5450  
means the acquisition, construction, reconstruction, improvement, 5451  
planning, and equipping of roads and bridges, waste water 5452  
treatment systems, water supply systems, solid waste disposal 5453  
facilities, flood control systems, and storm water and sanitary 5454  
collection, storage, and treatment facilities, including real 5455  
property, interests in real property, facilities, and equipment 5456  
related or incidental to those facilities. 5457

(2) "Costs of capital facilities" include related direct 5458  
administrative expenses and allocable portions of direct costs of 5459  
the Ohio public works commission and the local subdivision. 5460

(3) "Local subdivision" means any county, municipal 5461  
corporation, township, sanitary district, or regional water and 5462  
sewer district. 5463

(4) "Obligations" means obligations as defined in section 5464  
151.01 of the Revised Code issued to pay costs of capital 5465  
facilities. 5466

(B)(1) The issuing authority shall issue obligations to pay 5467  
costs of financing or assisting in the financing of the capital 5468  
improvement projects of local subdivisions pursuant to Section 2m 5469  
of Article VIII, Ohio Constitution, section 151.01 of the Revised 5470  
Code, and this section. Not more than one hundred twenty million 5471  
dollars principal amount of obligations, plus the principal amount 5472  
of obligations that in any prior fiscal years could have been, but 5473  
were not, issued within that one-hundred-twenty-million dollar 5474

fiscal year limit, may be issued in any fiscal year. Not more than 5475  
one billion two hundred million dollars principal amount of 5476  
obligations pursuant to Section 2m of Article VIII, Ohio 5477  
Constitution may be issued for the purposes of this section and 5478  
division (B)(2) of section 164.09 of the Revised Code. 5479

(2) The issuing authority shall issue obligations to pay 5480  
costs of financing or assisting in the financing of the capital 5481  
improvement projects of local subdivisions pursuant to Section 2p 5482  
of Article VIII, Ohio Constitution, section 151.01 of the Revised 5483  
Code, and this section. Not more than one hundred twenty million 5484  
dollars in principal amount of such obligations may be issued in 5485  
any of the first five fiscal years of issuance and not more than 5486  
one hundred fifty million dollars in principal amount of such 5487  
obligations may be issued in any of the next five fiscal years, 5488  
plus in each case the principal amount of such obligations that in 5489  
any prior fiscal year could have been but were not issued within 5490  
those fiscal year limits. No obligations shall be issued for the 5491  
purposes of this section pursuant to Section 2p of Article VIII, 5492  
Ohio Constitution, until at least one billion one hundred 5493  
ninety-nine million five hundred thousand dollars aggregate 5494  
principal amount of obligations have been issued pursuant to 5495  
Section 2m of Article VIII, Ohio Constitution. Not more than one 5496  
billion three hundred fifty million dollars principal amount of 5497  
obligations may be issued pursuant to Section 2p of Article VIII, 5498  
Ohio Constitution for the purposes of this section. 5499

(C) Net proceeds of obligations shall be deposited into the 5500  
state capital improvements fund created by section 164.08 of the 5501  
Revised Code. 5502

(D) There is hereby created in the state treasury the "state 5503  
capital improvements bond service fund." All moneys received by 5504  
the state and required by the bond proceedings, consistent with 5505  
this section and section 151.01 of the Revised Code, to be 5506

deposited, transferred, or credited to the bond service fund, and 5507  
all other moneys transferred or allocated to or received for the 5508  
purposes of that fund, shall be deposited and credited to the bond 5509  
service fund, subject to any applicable provisions of the bond 5510  
proceedings but without necessity for any act of appropriation. 5511  
During the period beginning with the date of the first issuance of 5512  
obligations and continuing during the time that any obligations 5513  
are outstanding in accordance with their terms, so long as moneys 5514  
in the bond service fund are insufficient to pay debt service when 5515  
due on those obligations payable from that fund (except the 5516  
principal amounts of bond anticipation notes payable from the 5517  
proceeds of renewal notes or bonds anticipated) and due in the 5518  
particular fiscal year, a sufficient amount of revenues of the 5519  
state is committed and, without necessity for further act of 5520  
appropriation, shall be paid to the bond service fund for the 5521  
purpose of paying that debt service when due. 5522

**Sec. 151.40.** (A) As used in this section: 5523

(1) "Bond proceedings" includes any trust agreements, and any 5524  
amendments or supplements to them, as authorized by this section. 5525

(2) "Costs of revitalization projects" includes related 5526  
direct administrative expenses and allocable portions of the 5527  
direct costs of those projects of the department of development or 5528  
the environmental protection agency. 5529

(3) "Issuing authority" means the treasurer of state. 5530

(4) "Obligations" means obligations as defined in section 5531  
151.01 of the Revised Code issued to pay the costs of projects for 5532  
revitalization purposes as referred to in division (A)(2) of 5533  
Section 2o of Article VIII, Ohio Constitution. 5534

(5) "Pledged liquor profits" means all receipts of the state 5535  
representing the gross profit on the sale of spirituous liquor, as 5536

referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as it was in effect on May 2, 1980, to be paid into the state treasury.

(6) "Pledged receipts" means, as and to the extent provided in bond proceedings:

(a) Pledged liquor profits. The pledge of pledged liquor profits to obligations is subject to the priority of the pledge of those profits to obligations issued and to be issued pursuant to Chapter 166. of the Revised Code.

(b) Moneys accruing to the state from the lease, sale, or other disposition or use of revitalization projects or from the repayment, including any interest, of loans or advances made from net proceeds;

(c) Accrued interest received from the sale of obligations;

(d) Income from the investment of the special funds;

(e) Any gifts, grants, donations, or pledges, and receipts therefrom, available for the payment of debt service;

(f) Additional or any other specific revenues or receipts lawfully available to be pledged, and pledged, pursuant to further authorization by the general assembly, to the payment of debt service.

(B)(1) The issuing authority shall issue obligations of the state to pay costs of revitalization projects pursuant to division (B)(2) of Section 20 of Article VIII, Ohio Constitution, section 151.01 of the Revised Code as applicable to this section, and this section. The issuing authority, upon the certification to it by

the clean Ohio council of the amount of moneys needed in and for 5567  
the purposes of the clean Ohio revitalization fund created by 5568  
section 122.658 of the Revised Code, shall issue obligations in 5569  
the amount determined by the issuing authority to be required for 5570  
those purposes. Not more than two hundred million dollars 5571  
principal amount of obligations issued under this section for 5572  
revitalization purposes may be outstanding at any one time. Not 5573  
more than fifty million dollars principal amount of obligations, 5574  
plus the principal amount of obligations that in any prior fiscal 5575  
year could have been, but were not issued within the 5576  
fifty-million-dollar fiscal year limit, may be issued in any 5577  
fiscal year. 5578

(2) The provisions and authorizations in section 151.01 of 5579  
the Revised Code apply to the obligations and the bond proceedings 5580  
except as otherwise provided or provided for in those obligations 5581  
and bond proceedings. 5582

(C) Net proceeds of obligations shall be deposited in the 5583  
clean Ohio revitalization fund created in section 122.658 of the 5584  
Revised Code. 5585

(D) There is hereby created the revitalization projects bond 5586  
service fund, which shall be in the custody of the treasurer of 5587  
state, but shall be separate and apart from and not a part of the 5588  
state treasury. All money received by the state and required by 5589  
the bond proceedings, consistent with section 151.01 of the 5590  
Revised Code and this section, to be deposited, transferred, or 5591  
credited to the bond service fund, and all other money transferred 5592  
or allocated to or received for the purposes of that fund, shall 5593  
be deposited and credited to the bond service fund, subject to any 5594  
applicable provisions of the bond proceedings, but without 5595  
necessity for any act of appropriation. During the period 5596  
beginning with the date of the first issuance of obligations and 5597  
continuing during the time that any obligations are outstanding in 5598

accordance with their terms, so long as moneys in the bond service 5599  
fund are insufficient to pay debt service when due on those 5600  
obligations payable from that fund, except the principal amounts 5601  
of bond anticipation notes payable from the proceeds of renewal 5602  
notes or bonds anticipated, and due in the particular fiscal year, 5603  
a sufficient amount of pledged receipts is committed and, without 5604  
necessity for further act of appropriation, shall be paid to the 5605  
bond service fund for the purpose of paying that debt service when 5606  
due. 5607

(E) The issuing authority may pledge all, or such portion as 5608  
the issuing authority determines, of the pledged receipts to the 5609  
payment of the debt service charges on obligations issued under 5610  
this section, and for the establishment and maintenance of any 5611  
reserves, as provided in the bond proceedings, and make other 5612  
provisions in the bond proceedings with respect to pledged 5613  
receipts as authorized by this section, which provisions are 5614  
controlling notwithstanding any other provisions of law pertaining 5615  
to them. 5616

(F) The issuing authority may covenant in the bond 5617  
proceedings, and such covenants shall be controlling 5618  
notwithstanding any other provision of law, that the state and 5619  
applicable officers and state agencies, including the general 5620  
assembly, so long as any obligations issued under this section are 5621  
outstanding, shall maintain statutory authority for and cause to 5622  
be charged and collected wholesale or retail prices for spirituous 5623  
liquor sold by the state or its agents so that the available 5624  
pledged receipts are sufficient in time and amount to meet debt 5625  
service payable from pledged liquor profits and for the 5626  
establishment and maintenance of any reserves and other 5627  
requirements provided for in the bond proceedings. 5628

(G) Obligations may be further secured, as determined by the 5629  
issuing authority, by a trust agreement between the state and a 5630

corporate trustee, which may be any trust company or bank having 5631  
~~its principal~~ a place of business within the state. Any trust 5632  
agreement may contain the resolution or order authorizing the 5633  
issuance of the obligations, any provisions that may be contained 5634  
in any bond proceedings, and other provisions that are customary 5635  
or appropriate in an agreement of that type, including, but not 5636  
limited to: 5637

(1) Maintenance of each pledge, trust agreement, or other 5638  
instrument comprising part of the bond proceedings until the state 5639  
has fully paid or provided for the payment of debt service on the 5640  
obligations secured by it; 5641

(2) In the event of default in any payments required to be 5642  
made by the bond proceedings, enforcement of those payments or 5643  
agreements by mandamus, the appointment of a receiver, suit in 5644  
equity, action at law, or any combination of them; 5645

(3) The rights and remedies of the holders or owners of 5646  
obligations and of the trustee and provisions for protecting and 5647  
enforcing them, including limitations on rights of individual 5648  
holders and owners. 5649

(H) The obligations shall not be general obligations of the 5650  
state and the full faith and credit, revenue, and taxing power of 5651  
the state shall not be pledged to the payment of debt service on 5652  
them. The holders or owners of the obligations shall have no right 5653  
to have any moneys obligated or pledged for the payment of debt 5654  
service except as provided in this section and in the applicable 5655  
bond proceedings. The rights of the holders and owners to payment 5656  
of debt service are limited to all or that portion of the pledged 5657  
receipts, and those special funds, pledged to the payment of debt 5658  
service pursuant to the bond proceedings in accordance with this 5659  
section, and each obligation shall bear on its face a statement to 5660  
that effect. 5661

**Sec. 152.31.** The Ohio building authority may construct and 5662  
operate capital facilities for the housing of branches and 5663  
agencies of state government, municipal corporations, counties, or 5664  
other governmental entities, in any municipal corporation when the 5665  
municipal corporation and the authority agree on a location and 5666  
all of the following occur: 5667

(A) Two or more of such agencies or governmental entities 5668  
submit to the authority an application requesting the authority to 5669  
construct and operate capital facilities and expressing their 5670  
intent to become the initial tenants of the capital facilities and 5671  
to thereby occupy all of its available office space; 5672

(B) Any municipal corporation, county, township, or other 5673  
governmental entities joining in the submission of an application 5674  
pursuant to division (A) of this section further submits a lease 5675  
committing it to occupy, for a period equal to the greater of 5676  
twenty consecutive years from the date of initial occupancy or the 5677  
term of any bonds issued by the authority for the capital 5678  
facilities, the capital facilities that, through the application, 5679  
it expressed its intent to initially occupy, and obligating it to 5680  
pay such rent as the authority determines to be appropriate. 5681  
Notwithstanding any other section of the Revised Code, any 5682  
governmental entity may enter into such a lease and any such lease 5683  
is legally sufficient to obligate the governmental entity for the 5684  
term stated therein. Any such lease shall constitute an agreement 5685  
described in division (E) of section 152.24 of the Revised Code. 5686

If rental payments required by a lease established pursuant 5687  
to this division are not paid in accordance with the provision of 5688  
such a lease, the funds which would otherwise be apportioned to 5689  
the lessees from the county undivided local ~~government~~ communities 5690  
fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, 5691  
shall be reduced by the amount of rent payable to the authority. 5692

The county treasurer shall immediately pay the amount of such 5693  
reductions to the authority. 5694

All rents charged by the authority for occupancy of such a 5695  
capital facility shall be fixed and expended pursuant to section 5696  
152.16 of the Revised Code. Any lease with the department of 5697  
administrative services with respect to such a capital facility 5698  
may provide for rental payments that satisfy the requirements of 5699  
section 152.16 of the Revised Code, but the amount of any rentals 5700  
paid by other tenants in the capital facility pursuant to leases 5701  
with the authority shall be credited against such rental payments 5702  
of the department of administrative services. Any lease with the 5703  
department of administrative services or a using state agency may 5704  
provide for the payment of rental payments that satisfy the 5705  
requirements of section 152.16 of the Revised Code prior to 5706  
initial occupancy of such capital facility. In the process of 5707  
inviting bids and awarding contracts, the authority shall be 5708  
guided by the procedures set forth in sections 153.01 to 153.20 of 5709  
the Revised Code. Any provision of sections 152.21, 152.22, and 5710  
152.26 of the Revised Code that applies to capital facilities 5711  
described in section 152.19 of the Revised Code also applies to 5712  
the capital facilities described in this section unless it is 5713  
inconsistent with this section. 5714

**Sec. 156.02.** The director of administrative services may 5715  
contract with an energy services company, contractor, architect, 5716  
professional engineer, or other person experienced in the design 5717  
and implementation of energy conservation measures for a report 5718  
containing an analysis and recommendations pertaining to the 5719  
implementation of energy conservation measures that would 5720  
significantly reduce energy consumption and operating costs in any 5721  
buildings owned by the state and, upon request of its board of 5722  
trustees or managing authority, any building owned by an 5723  
institution of higher education as defined in section 3345.12 of 5724

the Revised Code. The report shall include estimates of all costs 5725  
of such measures, including the costs of design, engineering, 5726  
installation, maintenance, repairs, and debt service, and 5727  
estimates of the amounts by which energy consumption and operating 5728  
costs would be reduced. The cost of each report requested by the 5729  
board or managing authority of an institution of higher education 5730  
shall be paid by the institution of higher education. 5731

**Sec. 164.03.** For the purpose of allocating the funds made 5732  
available to finance public infrastructure capital improvement 5733  
projects of local subdivisions through the issuance of general 5734  
obligations of the state of Ohio pursuant to Section 2k ~~or~~, 2m, or 5735  
2p of Article VIII, Ohio Constitution, the state is divided into 5736  
the following districts: 5737

District one. Cuyahoga county shall constitute district one. 5738

District two. Hamilton county shall constitute district two. 5739

District three. Franklin county shall constitute district 5740  
three. 5741

District four. Montgomery county shall constitute district 5742  
four. 5743

District five. Defiance, Erie, Fulton, Henry, Ottawa, 5744  
Paulding, Sandusky, Williams, and Wood counties shall constitute 5745  
district five. 5746

District six. Mahoning and Trumbull counties shall constitute 5747  
district six. 5748

District seven. Ashtabula, Geauga, Lake, and Portage counties 5749  
shall constitute district seven. 5750

District eight. Summit county shall constitute district 5751  
eight. 5752

District nine. Lorain, Huron, and Medina counties shall 5753

constitute district nine.	5754
District ten. Butler, Clermont, Clinton, and Warren counties shall constitute district ten.	5755 5756
District eleven. Champaign, Clark, Darke, Greene, Madison, Miami, Preble, and Union counties shall constitute district eleven.	5757 5758 5759
District twelve. Lucas county shall constitute district twelve.	5760 5761
District thirteen. Allen, Auglaize, Hancock, Logan, Mercer, Putnam, Shelby, and Van Wert counties shall constitute district thirteen.	5762 5763 5764
District fourteen. Carroll, Columbiana, Coshocton, Guernsey, Harrison, Holmes, Jefferson, and Tuscarawas counties shall constitute district fourteen.	5765 5766 5767
District fifteen. Adams, Brown, Fayette, Gallia, Highland, Jackson, Lawrence, Pike, Ross, Scioto, and Vinton counties shall constitute district fifteen.	5768 5769 5770
District sixteen. Ashland, Crawford, Hardin, Marion, Richland, Seneca, Wayne, and Wyandot counties shall constitute district sixteen.	5771 5772 5773
District seventeen. Delaware, Fairfield, Knox, Licking, Morrow, and Pickaway counties shall constitute district seventeen.	5774 5775
District eighteen. Athens, Belmont, Hocking, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, and Washington counties shall constitute district eighteen.	5776 5777 5778
District nineteen. Stark county shall constitute district nineteen.	5779 5780
<b>Sec. 164.05.</b> (A) The director of the Ohio public works commission shall do all of the following:	5781 5782

(1) Approve requests for financial assistance from district public works integrating committees and enter into agreements with one or more local subdivisions to provide loans, grants, and local debt support and credit enhancements for a capital improvement project if the director determines that:

(a) The project is an eligible project pursuant to this chapter;

(b) The financial assistance for the project has been properly approved and requested by the district committee of the district which includes the recipient of the loan or grant;

(c) The amount of the financial assistance, when added to all other financial assistance provided during the fiscal year for projects within the district, does not exceed that district's allocation of money from the state capital improvements fund for that fiscal year;

(d) The district committee has provided such documentation and other evidence as the director may require that the district committee has satisfied the requirements of section 164.06 or 164.14 of the Revised Code;

(e) The portion of a district's annual allocation which the director approves in the form of loans and local debt support and credit enhancements for eligible projects is consistent with divisions (E) and (F) of this section.

(2) Authorize payments to local subdivisions or their contractors for costs incurred for capital improvement projects which have been approved pursuant to this chapter. All requests for payments shall be submitted to the director on forms and in accordance with procedures specified in rules adopted by the director pursuant to division (A)(4) of this section.

(3) Retain the services of or employ financial consultants, engineers, accountants, attorneys, and such other employees as the

director determines are necessary to carry out the director's 5814  
duties under this chapter and fix the compensation for their 5815  
services; 5816

(4) Adopt rules establishing the procedures for making 5817  
applications, reviewing, approving, and rejecting projects for 5818  
which assistance is authorized under this chapter, and any other 5819  
rules needed to implement the provisions of this chapter. Such 5820  
rules shall be adopted under Chapter 119. of the Revised Code. 5821

(5) Provide information and other assistance to local 5822  
subdivisions and district public works integrating committees in 5823  
developing their requests for financial assistance for capital 5824  
improvements under this chapter and encourage cooperation and 5825  
coordination of requests and the development of multisubdivision 5826  
and multidistrict projects in order to maximize the benefits that 5827  
may be derived by districts from each year's allocation; 5828

(6) Require local subdivisions, to the extent practicable, to 5829  
use Ohio products, materials, services, and labor in connection 5830  
with any capital improvement project financed in whole or in part 5831  
under this chapter; 5832

(7) Notify the director of budget and management of all 5833  
approved projects, and supply all information necessary to track 5834  
approved projects through the state accounting system; 5835

(8) Appoint the administrator of the Ohio small government 5836  
capital improvements commission; 5837

(9) Do all other acts, enter into contracts, and execute all 5838  
instruments necessary or appropriate to carry out this chapter; 5839

(10) Develop a standardized methodology for evaluating 5840  
capital improvement needs which will be used by local subdivisions 5841  
in preparing the plans required by division (C) of section 164.06 5842  
of the Revised Code. The director shall develop this methodology 5843  
not later than July 1, 1991. 5844

(11) Establish a program to provide local subdivisions with 5845  
technical assistance in preparing project applications. The 5846  
program shall be designed to assist local subdivisions that lack 5847  
the financial or technical resources to prepare project 5848  
applications on their own. 5849

(B) When the director of the Ohio public works commission 5850  
decides to conditionally approve or disapprove projects, the 5851  
director's decisions and the reasons for which they are made shall 5852  
be made in writing. These written decisions shall be conclusive 5853  
for the purposes of the validity and enforceability of such 5854  
determinations. 5855

(C) Fees, charges, rates of interest, times of payment of 5856  
interest and principal, and other terms, conditions, and 5857  
provisions of and security for financial assistance provided 5858  
pursuant to the provisions of this chapter shall be such as the 5859  
director determines to be appropriate. If any payments required by 5860  
a loan agreement entered into pursuant to this chapter are not 5861  
paid, the funds which would otherwise be apportioned to the local 5862  
subdivision from the county undivided local ~~government~~ communities 5863  
fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, 5864  
may, at the direction of the director of the Ohio public works 5865  
commission, be reduced by the amount payable. The county treasurer 5866  
shall, at the direction of the director, pay the amount of such 5867  
reductions to the state capital improvements revolving loan fund. 5868  
The director may renegotiate a loan repayment schedule with a 5869  
local subdivision whose payments from the county undivided local 5870  
~~government~~ communities fund could be reduced pursuant to this 5871  
division, but such a renegotiation may occur only one time with 5872  
respect to any particular loan agreement. 5873

(D) Grants approved for the repair and replacement of 5874  
existing infrastructure pursuant to this chapter shall not exceed 5875  
ninety per cent of the estimated total cost of the capital 5876

improvement project. Grants approved for new or expanded 5877  
infrastructure shall not exceed fifty per cent of the estimated 5878  
cost of the new or expansion elements of the capital improvement 5879  
project. A local subdivision share of the estimated cost of a 5880  
capital improvement may consist of any of the following: 5881

(1) The reasonable value, as determined by the director or 5882  
the administrator, of labor, materials, and equipment that will be 5883  
contributed by the local subdivision in performing the capital 5884  
improvement project; 5885

(2) Moneys received by the local subdivision in any form from 5886  
an authority, commission, or agency of the United States for use 5887  
in performing the capital improvement project; 5888

(3) Loans made to the local subdivision under this chapter; 5889

(4) Engineering costs incurred by the local subdivision in 5890  
performing engineering activities related to the project. 5891

A local subdivision share of the cost of a capital 5892  
improvement shall not include any amounts awarded to it from the 5893  
local transportation improvement program fund created in section 5894  
164.14 of the Revised Code. 5895

(E) The following portion of a district public works 5896  
integrating committee's annual allocation share pursuant to 5897  
section 164.08 of the Revised Code may be awarded to subdivisions 5898  
only in the form of interest-free, low-interest, market rate of 5899  
interest, or blended-rate loans: 5900

YEAR IN WHICH	PORTION USED FOR	
MONEYS ARE ALLOCATED	LOANS	
Year 1	0%	5903
Year 2	0%	5904
Year 3	10%	5905
Year 4	12%	5906
Year 5	15%	5907

Year 6	20%	5908
Year 7, 8, 9, and 10	22%	5909

(F) The following portion of a district public works  
 integrating committee's annual allocation pursuant to section  
 164.08 of the Revised Code shall be awarded to subdivisions in the  
 form of local debt supported and credit enhancements:

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTIONS USED FOR LOCAL DEBT SUPPORT AND CREDIT ENHANCEMENTS	
Year 1	0%	5914
Year 2	0%	5915
Year 3	3%	5916
Year 4	5%	5917
Year 5	5%	5918
Year 6	7%	5919
Year 7	7%	5920
Year 8	8%	5921
Year 9	8%	5922
Year 10	8%	5923

(G) For the period commencing on March 29, 1988 and ending on  
 June 30, 1993, for the period commencing July 1, 1993, and ending  
 June 30, 1999, and for each five-year period thereafter, the total  
 amount of financial assistance awarded under sections 164.01 to  
 164.08 of the Revised Code for capital improvement projects  
 located wholly or partially within a county shall be equal to at  
 least thirty per cent of the amount of what the county would have  
 been allocated from the obligations authorized to be sold under  
 this chapter during each period, if such amounts had been  
 allocable to each county on a per capita basis.

(H) The amount of the annual allocations made pursuant to  
 divisions (B)(1) and (6) of section 164.08 of the Revised Code  
 which can be used for new or expanded infrastructure is limited as

follows:		5940
	PORTION WHICH MAY	5941
YEAR IN WHICH	BE USED FOR NEW OR	5942
MONEYS ARE ALLOCATED	EXPANSION INFRASTRUCTURE	5943
Year 1	5%	5944
Year 2	5%	5945
Year 3	10%	5946
Year 4	10%	5947
Year 5	10%	5948
Year 6	15%	5949
Year 7	15%	5950
Year 8	20%	5951
Year 9	20%	5952
Year 10 and each year		5953
thereafter	20%	5954

(I) The following portion of a district public works  
 integrating committee's annual allocation share pursuant to  
 section 164.08 of the Revised Code shall be awarded to  
 subdivisions in the form of interest-free, low-interest, market  
 rate of interest, or blended-rate loans, or local debt support and  
 credit enhancements:

	PORTION USED FOR LOANS	5961
YEAR IN WHICH	OR LOCAL DEBT SUPPORT	5962
MONEYS ARE ALLOCATED	AND CREDIT ENHANCEMENTS	5963
Year 11 and each year		5964
thereafter	20%	5965

(J) No project shall be approved under this section unless  
 the project is designed to have a useful life of at least seven  
 years. In addition, the average useful life of all projects for  
 which grants or loans are awarded in each district during a  
 program year shall not be less than twenty years.

Sec. 164.051. (A) The administrator of the Ohio small 5971  
government capital improvements commission shall review projects 5972  
submitted to ~~him~~ the administrator by subcommittees of district 5973  
public works integrating committees in accordance with section 5974  
164.06 of the Revised Code. If ~~he~~ the administrator determines 5975  
that a project satisfies the criteria of division (B) of that 5976  
section, while taking into consideration the special needs of 5977  
villages and townships, the administrator shall recommend to the 5978  
Ohio small government capital improvements commission that the 5979  
project be approved. If ~~he~~ the administrator determines that a 5980  
project should not be approved or that a decision on the project 5981  
should be delayed, such determinations and an explanation should 5982  
also be sent to the Ohio small government capital improvements 5983  
commission for final resolution. 5984

(B) With respect to projects which the Ohio small government 5985  
capital improvements commission approves, the administrator is 5986  
authorized to: 5987

(1) Enter into agreements to provide financial assistance in 5988  
the form of loans, grants, or local debt support and credit 5989  
enhancements to villages or townships with populations in the 5990  
unincorporated areas of the township of less than five thousand; 5991

(2) Authorize payments to such villages or townships or their 5992  
contractors for the costs incurred for capital improvement 5993  
projects which have been approved in accordance with this chapter. 5994  
All requests for payments shall be submitted to the administrator 5995  
on forms and in accordance with procedures specified in rules 5996  
adopted pursuant to division (A)(4) of section 164.05 of the 5997  
Revised Code. 5998

(3) Notify the director of budget and management of all 5999  
approved projects, and supply all information necessary to track 6000  
the approved projects through the state accounting system. 6001

(4) Do all other acts and enter into contracts and execute 6002  
all instruments necessary or appropriate to carry out this 6003  
section. 6004

(C) Fees, charges, rates of interest, times of payment of 6005  
interest and principal, and other terms, conditions, and 6006  
provisions of and security for financial assistance provided 6007  
pursuant to the provisions of this section shall be such as the 6008  
administrator determines to be appropriate. If any payments 6009  
required by a loan agreement entered into pursuant to this section 6010  
are not paid, the funds which would otherwise be apportioned to 6011  
the local subdivision from the county undivided local ~~government~~ 6012  
communities fund, pursuant to sections 5747.51 to 5747.53 of the 6013  
Revised Code, may, at the direction of the Ohio small government 6014  
capital improvements commission, be reduced by the amount payable. 6015  
The county treasurer shall, at the direction of the commission, 6016  
pay the amount of such reductions to the state capital 6017  
improvements revolving loan fund. Subject to the approval of the 6018  
Ohio small government capital improvements commission, the 6019  
administrator may renegotiate a loan repayment schedule with a 6020  
local subdivision whose payments from the county undivided local 6021  
~~government~~ communities fund could be reduced pursuant to this 6022  
division, but such a renegotiation may occur only one time with 6023  
respect to any particular loan agreement. 6024

**Sec. 164.08.** (A) Except as provided in sections 151.01 and 6025  
151.08 or section 164.09 of the Revised Code, the net proceeds of 6026  
obligations issued and sold by the treasurer of state pursuant to 6027  
section 164.09 of the Revised Code before September 30, 2000, or 6028  
pursuant to sections 151.01 and 151.08 of the Revised Code, for 6029  
the purpose of financing or assisting in the financing of the cost 6030  
of public infrastructure capital improvement projects of local 6031  
subdivisions, as provided for in Section 2k ~~or~~, 2m, or 2p of 6032  
Article VIII, Ohio Constitution, and this chapter, shall be paid 6033

into the state capital improvements fund, which is hereby created 6034  
in the state treasury. Investment earnings on moneys in the fund 6035  
shall be credited to the fund. 6036

(B) Each program year the amount of obligations authorized by 6037  
the general assembly in accordance with sections 151.01 and 151.08 6038  
or section 164.09 of the Revised Code, excluding the proceeds of 6039  
refunding or renewal obligations, shall be allocated by the 6040  
director of the Ohio public works commission as follows: 6041

(1) First, twelve million dollars of the amount of 6042  
obligations authorized shall be allocated to provide financial 6043  
assistance to villages and to townships with populations in the 6044  
unincorporated areas of the township of less than five thousand 6045  
persons, for capital improvements in accordance with section 6046  
164.051 and division (D) of section 164.06 of the Revised Code. As 6047  
used in division (B)(1) of this section, "capital improvements" 6048  
includes resurfacing and improving roads. 6049

(2) Following the allocation required by division (B)(1) of 6050  
this section, the director may allocate two million five hundred 6051  
thousand dollars of the authorized obligations to provide 6052  
financial assistance to local subdivisions for capital improvement 6053  
projects which in the judgment of the director of the Ohio public 6054  
works commission are necessary for the immediate preservation of 6055  
the health, safety, and welfare of the citizens of the local 6056  
subdivision requesting assistance. 6057

(3) For the second, third, fourth, and fifth years that 6058  
obligations are authorized and are available for allocation under 6059  
this chapter, one million dollars shall be allocated to the sewer 6060  
and water fund created in section 1525.11 of the Revised Code. 6061  
Money from this allocation shall be transferred to that fund when 6062  
needed to support specific payments from that fund. 6063

(4) For program years twelve and fourteen that obligations 6064

are authorized and available for allocation under this chapter, 6065  
two million dollars each program year shall be allocated to the 6066  
small county capital improvement program for use in providing 6067  
financial assistance under division (F) of section 164.02 of the 6068  
Revised Code. 6069

(5) After the allocation required by division (B)(3) of this 6070  
section is made, the director shall determine the amount of the 6071  
remaining obligations authorized to be issued and sold that each 6072  
county would receive if such amounts were allocated on a per 6073  
capita basis each year. If a county's per capita share for the 6074  
year would be less than three hundred thousand dollars, the 6075  
director shall allocate to the district in which that county is 6076  
located an amount equal to the difference between three hundred 6077  
thousand dollars and the county's per capita share. 6078

(6) After making the allocation required by division (B)(5) 6079  
of this section, the director shall allocate the remaining amount 6080  
to each district on a per capita basis. 6081

(C)(1) There is hereby created in the state treasury the 6082  
state capital improvements revolving loan fund, into which shall 6083  
be deposited all repayments of loans made to local subdivisions 6084  
for capital improvements pursuant to this chapter. Investment 6085  
earnings on moneys in the fund shall be credited to the fund. 6086

(2) There may also be deposited in the state capital 6087  
improvements revolving loan fund moneys obtained from federal or 6088  
private grants, or from other sources, which are to be used for 6089  
any of the purposes authorized by this chapter. Such moneys shall 6090  
be allocated each year in accordance with division (B)(6) of this 6091  
section. 6092

(3) Moneys deposited into the state capital improvements 6093  
revolving loan fund shall be used to make loans for the purpose of 6094  
financing or assisting in the financing of the cost of capital 6095

improvement projects of local subdivisions. 6096

(4) Investment earnings credited to the state capital 6097  
improvements revolving loan fund that exceed the amounts required 6098  
to meet estimated federal arbitrage rebate requirements shall be 6099  
used to pay costs incurred by the public works commission in 6100  
administering this section. Investment earnings credited to the 6101  
state capital improvements revolving loan fund that exceed the 6102  
amounts required to pay for the administrative costs and estimated 6103  
rebate requirements shall be allocated to each district on a per 6104  
capita basis. 6105

(5) Each program year, loan repayments received and on 6106  
deposit in the state capital improvements revolving loan fund 6107  
shall be allocated as follows: 6108

(a) Each district public works integrating committee shall be 6109  
allocated an amount equal to the sum of all loan repayments made 6110  
to the state capital improvements revolving loan fund by local 6111  
subdivisions that are part of the district. Moneys not used in a 6112  
program year may be used in the next program year in the same 6113  
manner and for the same purpose as originally allocated. 6114

(b) Loan repayments made pursuant to projects approved under 6115  
division (B)(1) of this section shall be used to make loans in 6116  
accordance with section 164.051 and division (D) of section 164.06 6117  
of the Revised Code. Allocations for this purpose made pursuant to 6118  
division (C)(5) of this section shall be in addition to the 6119  
allocation provided in division (B)(1) of this section. 6120

(c) Loan repayments made pursuant to projects approved under 6121  
division (B)(2) of this section shall be used to make loans in 6122  
accordance with division (B)(2) of this section. Allocations for 6123  
this purpose made pursuant to division (C)(5) of this section 6124  
shall be in addition to the allocation provided in division (B)(2) 6125  
of this section. 6126

(d) Loans made from the state capital improvements revolving loan fund shall not be limited in their usage by divisions (E), (F), (G), (H), and (I) of section 164.05 of the Revised Code.

(D) Investment earnings credited to the state capital improvements fund that exceed the amounts required to meet estimated federal arbitrage rebate requirements shall be used to pay costs incurred by the public works commission in administering sections 164.01 to 164.12 of the Revised Code.

(E) The director of the Ohio public works commission shall notify the director of budget and management of the amounts allocated pursuant to this section and such information shall be entered into the state accounting system. The director of budget and management shall establish appropriation line items as needed to track these allocations.

(F) If the amount of a district's allocation in a program year exceeds the amount of financial assistance approved for the district by the commission for that year, the remaining portion of the district's allocation shall be added to the district's allocation pursuant to division (B) of this section for the next succeeding year for use in the same manner and for the same purposes as it was originally allocated, except that any portion of a district's allocation which was available for use on new or expanded infrastructure pursuant to division (H) of section 164.05 of the Revised Code shall be available in succeeding years only for the repair and replacement of existing infrastructure.

(G) When an allocation based on population is made by the director pursuant to division (B) of this section, the director shall use the most recent decennial census statistics, and shall not make any reallocations based upon a change in a district's population.

**Sec. 164.09.** (A) The issuer is authorized to issue and sell,

as provided in this section and in amounts from time to time 6158  
authorized by the general assembly, general obligations of this 6159  
state for the purpose of financing or assisting in the financing 6160  
of the costs of public infrastructure capital improvements for 6161  
local subdivisions. The full faith and credit, revenues, and 6162  
taxing power of the state are and shall be pledged to the timely 6163  
payment of bond service charges on outstanding obligations, all in 6164  
accordance with Section 2k or 2m of Article VIII, Ohio 6165  
Constitution and sections 164.09 to 164.12 of the Revised Code, 6166  
excluding from that pledge fees, excises, or taxes relating to the 6167  
registration, operation, or use of vehicles on the public 6168  
highways, or to fuels used for propelling those vehicles, and so 6169  
long as such obligations are outstanding there shall be levied and 6170  
collected excises and taxes, excluding those excepted above, in 6171  
amounts sufficient to pay the bond service charges on such 6172  
obligations and costs relating to credit facilities. 6173

(B)(1) The total principal amount of obligations issued 6174  
pursuant to Section 2k of Article VIII, Ohio Constitution shall 6175  
not exceed one billion two hundred million dollars, and not more 6176  
than one hundred twenty million dollars in principal amount of 6177  
obligations may be issued in any calendar year, all determined as 6178  
provided in sections 164.09 to 164.12 of the Revised Code. 6179

(2) The total principal amount of obligations issued for the 6180  
purposes of this section pursuant to Section 2m of Article VIII, 6181  
Ohio Constitution, shall not exceed one billion two hundred 6182  
million dollars. Not more than one hundred twenty million dollars 6183  
in principal amount of such obligations, plus the principal amount 6184  
of such obligations that in any prior fiscal years could have been 6185  
but were not issued within the one-hundred-twenty-million-dollar 6186  
fiscal year limit, may be issued in any fiscal year. No 6187  
obligations shall be issued for the purposes of this section 6188  
pursuant to Section 2m of Article VIII, Ohio Constitution, until 6189

at least one billion one hundred ninety-nine million five hundred 6190  
thousand dollars aggregate principal amount of obligations have 6191  
been issued pursuant to Section 2k of Article VIII, Ohio 6192  
Constitution. The amounts specified under division (B)(2) of this 6193  
section shall be determined as provided in sections 164.09 to 6194  
164.12 of the Revised Code. 6195

(C) Each issue of obligations shall be authorized by order of 6196  
the issuer. The bond proceedings shall provide for the principal 6197  
amount or maximum principal amount of obligations of an issue, and 6198  
shall provide for or authorize the manner or agency for 6199  
determining the principal maturity or maturities, not exceeding 6200  
the earlier of thirty years from the date of issuance of the 6201  
particular obligations or thirty years from the date the debt 6202  
represented by the particular obligations was originally 6203  
contracted, the interest rate or rates, the date of and the dates 6204  
of payment of interest on the obligations, their denominations, 6205  
and the establishment within or without the state of a place or 6206  
places of payment of bond service charges. Sections 9.96 and 9.98 6207  
to 9.983 of the Revised Code are applicable to the obligations. 6208  
The purpose of the obligations may be stated in the bond 6209  
proceedings as "financing or assisting in the financing of local 6210  
subdivisions capital improvement projects." 6211

(D) The proceeds of the obligations, except for any portion 6212  
to be deposited in special funds, or in escrow funds for the 6213  
purpose of refunding outstanding obligations, all as may be 6214  
provided in the bond proceedings, shall be deposited to the state 6215  
capital improvements fund established by section 164.08 of the 6216  
Revised Code. 6217

(E) The issuer may appoint paying agents, bond registrars, 6218  
securities depositories, and transfer agents, and may retain the 6219  
services of financial advisers and accounting experts, and retain 6220  
or contract for the services of marketing, remarketing, indexing, 6221

and administrative agents, other consultants, and independent 6222  
contractors, including printing services, as are necessary in the 6223  
issuer's judgment to carry out sections 164.01 to 164.12 of the 6224  
Revised Code. Financing costs are payable, as provided in the bond 6225  
proceedings, from the proceeds of the obligations, from special 6226  
funds, or from other moneys available for the purpose. 6227

(F) The bond proceedings, including any trust agreement, may 6228  
contain additional provisions customary or appropriate to the 6229  
financing or to the obligations or to particular obligations, 6230  
including but not limited to: 6231

(1) The redemption of obligations prior to maturity at the 6232  
option of the state or of the holder or upon the occurrence of 6233  
certain conditions at such price or prices and under such terms 6234  
and conditions as are provided in the bond proceedings; 6235

(2) The form of and other terms of the obligations; 6236

(3) The establishment, deposit, investment, and application 6237  
of special funds, and the safeguarding of moneys on hand or on 6238  
deposit, without regard to Chapter 131. or 135. of the Revised 6239  
Code, but subject to any special provisions of this section with 6240  
respect to particular funds or moneys, and provided that any bank 6241  
or trust company that acts as a depository of any moneys in 6242  
special funds may furnish such indemnifying bonds or may pledge 6243  
such securities as required by the issuer; 6244

(4) Any or every provision of the bond proceedings binding 6245  
upon the issuer and such state agency or local subdivision, 6246  
officer, board, commission, authority, agency, department, or 6247  
other person or body as may from time to time have the authority 6248  
under law to take such actions as may be necessary to perform all 6249  
or any part of the duty required by such provision; 6250

(5) The maintenance of each pledge, any trust agreement, or 6251  
other instrument comprising part of the bond proceedings until the 6252

state has fully paid or provided for the payment of the bond 6253  
service charges on the obligations or met other stated conditions; 6254

(6) In the event of default in any payments required to be 6255  
made by the bond proceedings, or any other agreement of the issuer 6256  
made as a part of a contract under which the obligations were 6257  
issued or secured, the enforcement of such payments or agreements 6258  
by mandamus, suit in equity, action at law, or any combination of 6259  
the foregoing; 6260

(7) The rights and remedies of the holders of obligations and 6261  
of the trustee under any trust agreement, and provisions for 6262  
protecting and enforcing them, including limitations on rights of 6263  
individual holders of obligations; 6264

(8) The replacement of any obligations that become mutilated 6265  
or are destroyed, lost, or stolen; 6266

(9) Provision for the funding, refunding, or advance 6267  
refunding or other provision for payment of obligations which will 6268  
then no longer be outstanding for purposes of this section or of 6269  
the bond proceedings; 6270

(10) Any provision that may be made in bond proceedings or a 6271  
trust agreement, including provision for amendment of the bond 6272  
proceedings; 6273

(11) Such other provisions as the issuer determines, 6274  
including limitations, conditions, or qualifications relating to 6275  
any of the foregoing; 6276

(12) Any other or additional agreements with the holders of 6277  
the obligations relating to the obligations or the security for 6278  
the obligations. 6279

(G) The great seal of the state or a facsimile of that seal 6280  
may be affixed to or printed on the obligations. The obligations 6281  
requiring signature by the issuer shall be signed by or bear the 6282

facsimile signature of the issuer as provided in the bond 6283  
proceedings. Any obligations may be signed by the person who, on 6284  
the date of execution, is the authorized signer although on the 6285  
date of such obligations such person was not the issuer. In case 6286  
the person whose signature or a facsimile of whose signature 6287  
appears on any obligation ceases to be the issuer before delivery 6288  
of the obligation, such signature or facsimile is nevertheless 6289  
valid and sufficient for all purposes as if the person had 6290  
remained the member until such delivery, and in case the seal to 6291  
be affixed to or printed on obligations has been changed after the 6292  
seal has been affixed to or a facsimile of the seal has been 6293  
printed on the obligations, that seal or facsimile seal shall 6294  
continue to be sufficient as to those obligations and obligations 6295  
issued in substitution or exchange therefor. 6296

(H) The obligations are negotiable instruments and securities 6297  
under Chapter 1308. of the Revised Code, subject to the provisions 6298  
of the bond proceedings as to registration. Obligations may be 6299  
issued in coupon or in fully registered form, or both, as the 6300  
issuer determines. Provision may be made for the registration of 6301  
any obligations with coupons attached as to principal alone or as 6302  
to both principal and interest, their exchange for obligations so 6303  
registered, and for the conversion or reconversion into 6304  
obligations with coupons attached of any obligations registered as 6305  
to both principal and interest, and for reasonable charges for 6306  
such registration, exchange, conversion, and reconversion. Pending 6307  
preparation of definitive obligations, the issuer may issue 6308  
interim receipts or certificates which shall be exchanged for such 6309  
definitive obligations. 6310

(I) Obligations may be sold at public sale or at private 6311  
sale, and at such price at, above, or below par, as determined by 6312  
the issuer in the bond proceedings. 6313

(J) In the discretion of the issuer, obligations may be 6314

secured additionally by a trust agreement between the state and a 6315  
corporate trustee which may be any trust company or bank having 6316  
~~its principal~~ a place of business within the state. Any trust 6317  
agreement may contain the order authorizing the issuance of the 6318  
obligations, any provisions that may be contained in the bond 6319  
proceedings, and other provisions that are customary or 6320  
appropriate in an agreement of the type. 6321

(K) Except to the extent that their rights are restricted by 6322  
the bond proceedings, any holder of obligations, or a trustee 6323  
under the bond proceedings, may by any suitable form of legal 6324  
proceedings protect and enforce any rights under the laws of this 6325  
state or granted by the bond proceedings. Such rights include the 6326  
right to compel the performance of all duties of the issuer and 6327  
the state. Each duty of the issuer and the issuer's employees, and 6328  
of each state agency and local public entity and its officers, 6329  
members, or employees, undertaken pursuant to the bond 6330  
proceedings, is hereby established as a duty of the issuer, and of 6331  
each such agency, local subdivision, officer, member, or employee 6332  
having authority to perform such duty, specifically enjoined by 6333  
the law and resulting from an office, trust, or station within the 6334  
meaning of section 2731.01 of the Revised Code. The persons who 6335  
are at the time the issuer, or the issuer's employees, are not 6336  
liable in their personal capacities on any obligations or any 6337  
agreements of or with the issuer relating to obligations or under 6338  
the bond proceedings. 6339

(L) Obligations are lawful investments for banks, societies 6340  
for savings, savings and loan associations, deposit guarantee 6341  
associations, trust companies, trustees, fiduciaries, insurance 6342  
companies, including domestic for life and domestic not for life, 6343  
trustees or other officers having charge of sinking and bond 6344  
retirement or other special funds of political subdivisions and 6345  
taxing districts of this state, the commissioners of the sinking 6346

fund, the administrator of workers' compensation, the state 6347  
teachers retirement system, the public employees retirement 6348  
system, the school employees retirement system, and the Ohio 6349  
police and fire pension fund, notwithstanding any other provisions 6350  
of the Revised Code or rules adopted pursuant thereto by any state 6351  
agency with respect to investments by them, and are also 6352  
acceptable as security for the deposit of public moneys. 6353

(M) Unless otherwise provided in any applicable bond 6354  
proceedings, moneys to the credit of or in the special funds 6355  
established by or pursuant to this section may be invested by or 6356  
on behalf of the issuer only in notes, bonds, or other direct 6357  
obligations of the United States or of any agency or 6358  
instrumentality of the United States, in obligations of this state 6359  
or any political subdivision of this state, in certificates of 6360  
deposit of any national bank located in this state and any bank, 6361  
as defined in section 1101.01 of the Revised Code, subject to 6362  
inspection by the superintendent of financial institutions, in the 6363  
Ohio subdivision's fund established pursuant to section 135.45 of 6364  
the Revised Code, in no-front-end-load money market mutual funds 6365  
consisting exclusively of direct obligations of the United States 6366  
or of an agency or instrumentality of the United States, and in 6367  
repurchase agreements, including those issued by any fiduciary, 6368  
secured by direct obligations of the United States or an agency or 6369  
instrumentality of the United States, and in collective investment 6370  
funds established in accordance with section 1111.14 of the 6371  
Revised Code and consisting exclusively of direct obligations of 6372  
the United States or of an agency or instrumentality of the United 6373  
States, notwithstanding division (A)(1)(c) of that section. The 6374  
income from investments shall be credited to such special funds or 6375  
otherwise as the issuer determines in the bond proceedings, and 6376  
the investments may be sold or exchanged at such times as the 6377  
issuer determines or authorizes. 6378

(N) Unless otherwise provided in any applicable bond 6379  
proceedings, moneys to the credit of or in a special fund shall be 6380  
disbursed on the order of the issuer, provided that no such order 6381  
is required for the payment from the bond service fund or other 6382  
special fund when due of bond service charges or required payments 6383  
under credit facilities. 6384

(O) The issuer may covenant in the bond proceedings, and any 6385  
such covenants shall be controlling notwithstanding any other 6386  
provision of law, that the state and the applicable officers and 6387  
agencies of the state, including the general assembly, so long as 6388  
any obligations are outstanding in accordance with their terms, 6389  
shall maintain statutory authority for and cause to be charged and 6390  
collected taxes, excises, and other receipts of the state so that 6391  
the receipts to the bond service fund shall be sufficient in 6392  
amounts to meet bond service charges and for the establishment and 6393  
maintenance of any reserves and other requirements, including 6394  
payment of financing costs, provided for in the bond proceedings. 6395

(P) The obligations, and the transfer of, and the interest 6396  
and other income from, including any profit made on the sale, 6397  
transfer, or other disposition of, the obligations shall at all 6398  
times be free from taxation, direct or indirect, within the state. 6399

(Q) Unless a judicial action or proceeding challenging the 6400  
validity of obligations is commenced by personal service on the 6401  
treasurer of state prior to the initial delivery of an issue of 6402  
the obligations, the obligations of that issue and the bond 6403  
proceedings pertaining to that issue are incontestable and those 6404  
obligations shall be conclusively considered to be and to have 6405  
been issued, secured, payable, sold, executed, and delivered, and 6406  
the bond proceedings relating to them taken, in conformity with 6407  
law if all of the following apply to the obligations: 6408

(1) They state that they are issued under the provisions of 6409  
this section and comply on their face with those provisions; 6410

(2) They are issued within the limitations prescribed by this section;	6411 6412
(3) Their purchase price has been paid in full;	6413
(4) They state that all the bond proceedings were held in compliance with law, which statement creates a conclusive presumption that the bond proceedings were held in compliance with all laws, including section 121.22 of the Revised Code, where applicable, and rules.	6414 6415 6416 6417 6418
(R) This section applies only with respect to obligations issued and delivered before September 30, 2000.	6419 6420
<b>Sec. 166.08.</b> (A) As used in this chapter:	6421
(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations.	6422 6423 6424 6425 6426 6427 6428
(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations.	6429 6430 6431 6432
(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the economic development bond service fund created by division (S) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto.	6433 6434 6435 6436 6437 6438
(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of such officer.	6439 6440

(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.

(6) "Pledged receipts" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as in effect on May 2, 1980, to be paid into the state treasury; moneys accruing to the state from the lease, sale, or other disposition, or use, of project facilities, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the investment of the special funds; and any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges.

(7) "Special funds" or "funds" means, except where the context does not permit, the bond service fund, and any other funds, including reserve funds, created under the bond proceedings, and the economic development bond service fund created by division (S) of this section to the extent provided in the bond proceedings, including all moneys and investments, and earnings from investment, credited and to be credited thereto.

(B) Subject to the limitations provided in section 166.11 of the Revised Code, the issuing authority, upon the certification by the director of development to the issuing authority of the amount of moneys or additional moneys needed in the facilities establishment fund, the loan guarantee fund, the innovation Ohio loan fund, the innovation Ohio loan guarantee fund, or the

research and development loan fund for the purpose of paying, or 6473  
making loans for, allowable costs from the facilities 6474  
establishment fund, allowable innovation costs from the innovation 6475  
Ohio loan fund, or allowable costs from the research and 6476  
development loan fund, or needed for capitalized interest, for 6477  
funding reserves, and for paying costs and expenses incurred in 6478  
connection with the issuance, carrying, securing, paying, 6479  
redeeming, or retirement of the obligations or any obligations 6480  
refunded thereby, including payment of costs and expenses relating 6481  
to letters of credit, lines of credit, insurance, put agreements, 6482  
standby purchase agreements, indexing, marketing, remarketing and 6483  
administrative arrangements, interest swap or hedging agreements, 6484  
and any other credit enhancement, liquidity, remarketing, renewal, 6485  
or refunding arrangements, all of which are authorized by this 6486  
section, or providing moneys for the loan guarantee fund or the 6487  
innovation Ohio loan guarantee fund, as provided in this chapter 6488  
or needed for the purposes of funds established in accordance with 6489  
or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 6490  
122.561, 122.57, and 122.80 of the Revised Code which are within 6491  
the authorization of Section 13 of Article VIII, Ohio 6492  
Constitution, shall issue obligations of the state under this 6493  
section in the required amount; provided that such obligations may 6494  
be issued to satisfy the covenants in contracts of guarantee made 6495  
under section 166.06 or 166.15 of the Revised Code, 6496  
notwithstanding limitations otherwise applicable to the issuance 6497  
of obligations under this section. The proceeds of such 6498  
obligations, except for the portion to be deposited in special 6499  
funds, including reserve funds, as may be provided in the bond 6500  
proceedings, shall as provided in the bond proceedings be 6501  
deposited by the director of development to the facilities 6502  
establishment fund, the loan guarantee fund, the innovation Ohio 6503  
loan guarantee fund, the innovation Ohio loan fund, or the 6504  
research and development loan fund. Bond proceedings for project 6505

financing obligations may provide that the proceeds derived from 6506  
the issuance of such obligations shall be deposited into such fund 6507  
or funds provided for in the bond proceedings and, to the extent 6508  
provided for in the bond proceedings, such proceeds shall be 6509  
deemed to have been deposited into the facilities establishment 6510  
fund and transferred to such fund or funds. The issuing authority 6511  
may appoint trustees, paying agents, and transfer agents and may 6512  
retain the services of financial advisors, accounting experts, and 6513  
attorneys, and retain or contract for the services of marketing, 6514  
remarketing, indexing, and administrative agents, other 6515  
consultants, and independent contractors, including printing 6516  
services, as are necessary in the issuing authority's judgment to 6517  
carry out this section. The costs of such services are allowable 6518  
costs payable from the facilities establishment fund or the 6519  
research and development loan fund or allowable innovation costs 6520  
payable from the innovation Ohio loan fund. 6521

(C) The holders or owners of such obligations shall have no 6522  
right to have moneys raised by taxation obligated or pledged, and 6523  
moneys raised by taxation shall not be obligated or pledged, for 6524  
the payment of bond service charges. Such holders or owners shall 6525  
have no rights to payment of bond service charges from any moneys 6526  
accruing to the state from the lease, sale, or other disposition, 6527  
or use, of project facilities, or from payment of the principal of 6528  
or interest on loans made, or fees charged for guarantees made, or 6529  
from any money or property received by the director, treasurer of 6530  
state, or the state under Chapter 122. of the Revised Code, or 6531  
from any other use of the proceeds of the sale of the obligations, 6532  
and no such moneys may be used for the payment of bond service 6533  
charges, except for accrued interest, capitalized interest, and 6534  
reserves funded from proceeds received upon the sale of the 6535  
obligations and except as otherwise expressly provided in the 6536  
applicable bond proceedings pursuant to written directions by the 6537  
director. The right of such holders and owners to payment of bond 6538

service charges is limited to all or that portion of the pledged 6539  
receipts and those special funds pledged thereto pursuant to the 6540  
bond proceedings in accordance with this section, and each such 6541  
obligation shall bear on its face a statement to that effect. 6542

(D) Obligations shall be authorized by resolution or order of 6543  
the issuing authority and the bond proceedings shall provide for 6544  
the purpose thereof and the principal amount or amounts, and shall 6545  
provide for or authorize the manner or agency for determining the 6546  
principal maturity or maturities, not exceeding twenty-five years 6547  
from the date of issuance, the interest rate or rates or the 6548  
maximum interest rate, the date of the obligations and the dates 6549  
of payment of interest thereon, their denomination, and the 6550  
establishment within or without the state of a place or places of 6551  
payment of bond service charges. Sections 9.98 to 9.983 of the 6552  
Revised Code are applicable to obligations issued under this 6553  
section, subject to any applicable limitation under section 166.11 6554  
of the Revised Code. The purpose of such obligations may be stated 6555  
in the bond proceedings in terms describing the general purpose or 6556  
purposes to be served. The bond proceedings also shall provide, 6557  
subject to the provisions of any other applicable bond 6558  
proceedings, for the pledge of all, or such part as the issuing 6559  
authority may determine, of the pledged receipts and the 6560  
applicable special fund or funds to the payment of bond service 6561  
charges, which pledges may be made either prior or subordinate to 6562  
other expenses, claims, or payments, and may be made to secure the 6563  
obligations on a parity with obligations theretofore or thereafter 6564  
issued, if and to the extent provided in the bond proceedings. The 6565  
pledged receipts and special funds so pledged and thereafter 6566  
received by the state are immediately subject to the lien of such 6567  
pledge without any physical delivery thereof or further act, and 6568  
the lien of any such pledges is valid and binding against all 6569  
parties having claims of any kind against the state or any 6570  
governmental agency of the state, irrespective of whether such 6571

parties have notice thereof, and shall create a perfected security 6572  
interest for all purposes of Chapter 1309. of the Revised Code, 6573  
without the necessity for separation or delivery of funds or for 6574  
the filing or recording of the bond proceedings by which such 6575  
pledge is created or any certificate, statement or other document 6576  
with respect thereto; and the pledge of such pledged receipts and 6577  
special funds is effective and the money therefrom and thereof may 6578  
be applied to the purposes for which pledged without necessity for 6579  
any act of appropriation. Every pledge, and every covenant and 6580  
agreement made with respect thereto, made in the bond proceedings 6581  
may therein be extended to the benefit of the owners and holders 6582  
of obligations authorized by this section, and to any trustee 6583  
therefor, for the further security of the payment of the bond 6584  
service charges. 6585

(E) The bond proceedings may contain additional provisions as 6586  
to: 6587

(1) The redemption of obligations prior to maturity at the 6588  
option of the issuing authority at such price or prices and under 6589  
such terms and conditions as are provided in the bond proceedings; 6590

(2) Other terms of the obligations; 6591

(3) Limitations on the issuance of additional obligations; 6592

(4) The terms of any trust agreement or indenture securing 6593  
the obligations or under which the same may be issued; 6594

(5) The deposit, investment and application of special funds, 6595  
and the safeguarding of moneys on hand or on deposit, without 6596  
regard to Chapter 131. or 135. of the Revised Code, but subject to 6597  
any special provisions of this chapter, with respect to particular 6598  
funds or moneys, provided that any bank or trust company which 6599  
acts as depository of any moneys in the special funds may furnish 6600  
such indemnifying bonds or may pledge such securities as required 6601  
by the issuing authority; 6602

(6) Any or every provision of the bond proceedings being 6603  
binding upon such officer, board, commission, authority, agency, 6604  
department, or other person or body as may from time to time have 6605  
the authority under law to take such actions as may be necessary 6606  
to perform all or any part of the duty required by such provision; 6607

(7) Any provision that may be made in a trust agreement or 6608  
indenture; 6609

(8) Any other or additional agreements with the holders of 6610  
the obligations, or the trustee therefor, relating to the 6611  
obligations or the security therefor, including the assignment of 6612  
mortgages or other security obtained or to be obtained for loans 6613  
under section 122.43, 166.07, or 166.16 of the Revised Code. 6614

(F) The obligations may have the great seal of the state or a 6615  
facsimile thereof affixed thereto or printed thereon. The 6616  
obligations and any coupons pertaining to obligations shall be 6617  
signed or bear the facsimile signature of the issuing authority. 6618  
Any obligations or coupons may be executed by the person who, on 6619  
the date of execution, is the proper issuing authority although on 6620  
the date of such bonds or coupons such person was not the issuing 6621  
authority. If the issuing authority whose signature or a facsimile 6622  
of whose signature appears on any such obligation or coupon ceases 6623  
to be the issuing authority before delivery thereof, such 6624  
signature or facsimile is nevertheless valid and sufficient for 6625  
all purposes as if the former issuing authority had remained the 6626  
issuing authority until such delivery; and if the seal to be 6627  
affixed to obligations has been changed after a facsimile of the 6628  
seal has been imprinted on such obligations, such facsimile seal 6629  
shall continue to be sufficient as to such obligations and 6630  
obligations issued in substitution or exchange therefor. 6631

(G) All obligations are negotiable instruments and securities 6632  
under Chapter 1308. of the Revised Code, subject to the provisions 6633  
of the bond proceedings as to registration. The obligations may be 6634

issued in coupon or in registered form, or both, as the issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached thereto of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion.

(H) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings.

Obligations issued to provide moneys for the loan guarantee fund or the innovation Ohio loan guarantee fund may, as determined by the issuing authority, be sold at private sale, and without publication of a notice of sale.

(I) Pending preparation of definitive obligations, the issuing authority may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

(J) In the discretion of the issuing authority, obligations may be secured additionally by a trust agreement or indenture between the issuing authority and a corporate trustee which may be any trust company or bank having ~~its principal~~ a place of business within the state. Any such agreement or indenture may contain the resolution or order authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions which are customary or appropriate in an agreement or indenture of such type, including, but not limited to:

(1) Maintenance of each pledge, trust agreement, indenture, or other instrument comprising part of the bond proceedings until the state has fully paid the bond service charges on the

obligations secured thereby, or provision therefor has been made; 6666

(2) In the event of default in any payments required to be 6667  
made by the bond proceedings, or any other agreement of the 6668  
issuing authority made as a part of the contract under which the 6669  
obligations were issued, enforcement of such payments or agreement 6670  
by mandamus, the appointment of a receiver, suit in equity, action 6671  
at law, or any combination of the foregoing; 6672

(3) The rights and remedies of the holders of obligations and 6673  
of the trustee, and provisions for protecting and enforcing them, 6674  
including limitations on rights of individual holders of 6675  
obligations; 6676

(4) The replacement of any obligations that become mutilated 6677  
or are destroyed, lost, or stolen; 6678

(5) Such other provisions as the trustee and the issuing 6679  
authority agree upon, including limitations, conditions, or 6680  
qualifications relating to any of the foregoing. 6681

(K) Any holders of obligations or trustees under the bond 6682  
proceedings, except to the extent that their rights are restricted 6683  
by the bond proceedings, may by any suitable form of legal 6684  
proceedings, protect and enforce any rights under the laws of this 6685  
state or granted by such bond proceedings. Such rights include the 6686  
right to compel the performance of all duties of the issuing 6687  
authority, the director of development, or the division of liquor 6688  
control required by this chapter or the bond proceedings; to 6689  
enjoin unlawful activities; and in the event of default with 6690  
respect to the payment of any bond service charges on any 6691  
obligations or in the performance of any covenant or agreement on 6692  
the part of the issuing authority, the director of development, or 6693  
the division of liquor control in the bond proceedings, to apply 6694  
to a court having jurisdiction of the cause to appoint a receiver 6695  
to receive and administer the pledged receipts and special funds, 6696

other than those in the custody of the treasurer of state, which 6697  
are pledged to the payment of the bond service charges on such 6698  
obligations or which are the subject of the covenant or agreement, 6699  
with full power to pay, and to provide for payment of bond service 6700  
charges on, such obligations, and with such powers, subject to the 6701  
direction of the court, as are accorded receivers in general 6702  
equity cases, excluding any power to pledge additional revenues or 6703  
receipts or other income or moneys of the issuing authority or the 6704  
state or governmental agencies of the state to the payment of such 6705  
principal and interest and excluding the power to take possession 6706  
of, mortgage, or cause the sale or otherwise dispose of any 6707  
project facilities. 6708

Each duty of the issuing authority and the issuing 6709  
authority's officers and employees, and of each governmental 6710  
agency and its officers, members, or employees, undertaken 6711  
pursuant to the bond proceedings or any agreement or lease, 6712  
lease-purchase agreement, or loan made under authority of this 6713  
chapter, and in every agreement by or with the issuing authority, 6714  
is hereby established as a duty of the issuing authority, and of 6715  
each such officer, member, or employee having authority to perform 6716  
such duty, specifically enjoined by the law resulting from an 6717  
office, trust, or station within the meaning of section 2731.01 of 6718  
the Revised Code. 6719

The person who is at the time the issuing authority, or the 6720  
issuing authority's officers or employees, are not liable in their 6721  
personal capacities on any obligations issued by the issuing 6722  
authority or any agreements of or with the issuing authority. 6723

(L) The issuing authority may authorize and issue obligations 6724  
for the refunding, including funding and retirement, and advance 6725  
refunding with or without payment or redemption prior to maturity, 6726  
of any obligations previously issued by the issuing authority. 6727  
Such obligations may be issued in amounts sufficient for payment 6728

of the principal amount of the prior obligations, any redemption 6729  
premiums thereon, principal maturities of any such obligations 6730  
maturing prior to the redemption of the remaining obligations on a 6731  
parity therewith, interest accrued or to accrue to the maturity 6732  
dates or dates of redemption of such obligations, and any 6733  
allowable costs including expenses incurred or to be incurred in 6734  
connection with such issuance and such refunding, funding, and 6735  
retirement. Subject to the bond proceedings therefor, the portion 6736  
of proceeds of the sale of obligations issued under this division 6737  
to be applied to bond service charges on the prior obligations 6738  
shall be credited to an appropriate account held by the trustee 6739  
for such prior or new obligations or to the appropriate account in 6740  
the bond service fund for such obligations. Obligations authorized 6741  
under this division shall be deemed to be issued for those 6742  
purposes for which such prior obligations were issued and are 6743  
subject to the provisions of this section pertaining to other 6744  
obligations, except as otherwise provided in this section; 6745  
provided that, unless otherwise authorized by the general 6746  
assembly, any limitations imposed by the general assembly pursuant 6747  
to this section with respect to bond service charges applicable to 6748  
the prior obligations shall be applicable to the obligations 6749  
issued under this division to refund, fund, advance refund or 6750  
retire such prior obligations. 6751

(M) The authority to issue obligations under this section 6752  
includes authority to issue obligations in the form of bond 6753  
anticipation notes and to renew the same from time to time by the 6754  
issuance of new notes. The holders of such notes or interest 6755  
coupons pertaining thereto shall have a right to be paid solely 6756  
from the pledged receipts and special funds that may be pledged to 6757  
the payment of the bonds anticipated, or from the proceeds of such 6758  
bonds or renewal notes, or both, as the issuing authority provides 6759  
in the resolution or order authorizing such notes. Such notes may 6760  
be additionally secured by covenants of the issuing authority to 6761

the effect that the issuing authority and the state will do such 6762  
or all things necessary for the issuance of such bonds or renewal 6763  
notes in appropriate amount, and apply the proceeds thereof to the 6764  
extent necessary, to make full payment of the principal of and 6765  
interest on such notes at the time or times contemplated, as 6766  
provided in such resolution or order. For such purpose, the 6767  
issuing authority may issue bonds or renewal notes in such 6768  
principal amount and upon such terms as may be necessary to 6769  
provide funds to pay when required the principal of and interest 6770  
on such notes, notwithstanding any limitations prescribed by or 6771  
for purposes of this section. Subject to this division, all 6772  
provisions for and references to obligations in this section are 6773  
applicable to notes authorized under this division. 6774

The issuing authority in the bond proceedings authorizing the 6775  
issuance of bond anticipation notes shall set forth for such bonds 6776  
an estimated interest rate and a schedule of principal payments 6777  
for such bonds and the annual maturity dates thereof, and for 6778  
purposes of any limitation on bond service charges prescribed 6779  
under division (A) of section 166.11 of the Revised Code, the 6780  
amount of bond service charges on such bond anticipation notes is 6781  
deemed to be the bond service charges for the bonds anticipated 6782  
thereby as set forth in the bond proceedings applicable to such 6783  
notes, but this provision does not modify any authority in this 6784  
section to pledge receipts and special funds to, and covenant to 6785  
issue bonds to fund, the payment of principal of and interest and 6786  
any premium on such notes. 6787

(N) Obligations issued under this section are lawful 6788  
investments for banks, societies for savings, savings and loan 6789  
associations, deposit guarantee associations, trust companies, 6790  
trustees, fiduciaries, insurance companies, including domestic for 6791  
life and domestic not for life, trustees or other officers having 6792  
charge of sinking and bond retirement or other special funds of 6793

political subdivisions and taxing districts of this state, the 6794  
commissioners of the sinking fund of the state, the administrator 6795  
of workers' compensation, the state teachers retirement system, 6796  
the public employees retirement system, the school employees 6797  
retirement system, and the Ohio police and fire pension fund, 6798  
notwithstanding any other provisions of the Revised Code or rules 6799  
adopted pursuant thereto by any governmental agency of the state 6800  
with respect to investments by them, and are also acceptable as 6801  
security for the deposit of public moneys. 6802

(O) Unless otherwise provided in any applicable bond 6803  
proceedings, moneys to the credit of or in the special funds 6804  
established by or pursuant to this section may be invested by or 6805  
on behalf of the issuing authority only in notes, bonds, or other 6806  
obligations of the United States, or of any agency or 6807  
instrumentality of the United States, obligations guaranteed as to 6808  
principal and interest by the United States, obligations of this 6809  
state or any political subdivision of this state, and certificates 6810  
of deposit of any national bank located in this state and any 6811  
bank, as defined in section 1101.01 of the Revised Code, subject 6812  
to inspection by the superintendent of banks. If the law or the 6813  
instrument creating a trust pursuant to division (J) of this 6814  
section expressly permits investment in direct obligations of the 6815  
United States or an agency of the United States, unless expressly 6816  
prohibited by the instrument, such moneys also may be invested in 6817  
no-front-end-load money market mutual funds consisting exclusively 6818  
of obligations of the United States or an agency of the United 6819  
States and in repurchase agreements, including those issued by the 6820  
fiduciary itself, secured by obligations of the United States or 6821  
an agency of the United States; and in common trust funds 6822  
established in accordance with section 1111.20 of the Revised Code 6823  
and consisting exclusively of any such securities, notwithstanding 6824  
division (A)(4) of that section. The income from such investments 6825  
shall be credited to such funds as the issuing authority 6826

determines, and such investments may be sold at such times as the 6827  
issuing authority determines or authorizes. 6828

(P) Provision may be made in the applicable bond proceedings 6829  
for the establishment of separate accounts in the bond service 6830  
fund and for the application of such accounts only to the 6831  
specified bond service charges on obligations pertinent to such 6832  
accounts and bond service fund and for other accounts therein 6833  
within the general purposes of such fund. Unless otherwise 6834  
provided in any applicable bond proceedings, moneys to the credit 6835  
of or in the several special funds established pursuant to this 6836  
section shall be disbursed on the order of the treasurer of state, 6837  
provided that no such order is required for the payment from the 6838  
bond service fund when due of bond service charges on obligations. 6839

(Q) The issuing authority may pledge all, or such portion as 6840  
the issuing authority determines, of the pledged receipts to the 6841  
payment of bond service charges on obligations issued under this 6842  
section, and for the establishment and maintenance of any 6843  
reserves, as provided in the bond proceedings, and make other 6844  
provisions therein with respect to pledged receipts as authorized 6845  
by this chapter, which provisions are controlling notwithstanding 6846  
any other provisions of law pertaining thereto. 6847

(R) The issuing authority may covenant in the bond 6848  
proceedings, and any such covenants are controlling 6849  
notwithstanding any other provision of law, that the state and 6850  
applicable officers and governmental agencies of the state, 6851  
including the general assembly, so long as any obligations are 6852  
outstanding, shall: 6853

(1) Maintain statutory authority for and cause to be charged 6854  
and collected wholesale and retail prices for spirituous liquor 6855  
sold by the state or its agents so that the pledged receipts are 6856  
sufficient in amount to meet bond service charges, and the 6857  
establishment and maintenance of any reserves and other 6858

requirements provided for in the bond proceedings, and, as 6859  
necessary, to meet covenants contained in contracts of guarantee 6860  
made under section 166.06 of the Revised Code; 6861

(2) Take or permit no action, by statute or otherwise, that 6862  
would impair the exemption from federal income taxation of the 6863  
interest on the obligations. 6864

(S) There is hereby created the economic development bond 6865  
service fund, which shall be in the custody of the treasurer of 6866  
state but shall be separate and apart from and not a part of the 6867  
state treasury. All moneys received by or on account of the 6868  
issuing authority or state agencies and required by the applicable 6869  
bond proceedings, consistent with this section, to be deposited, 6870  
transferred, or credited to a bond service fund or the economic 6871  
development bond service fund, and all other moneys transferred or 6872  
allocated to or received for the purposes of the fund, shall be 6873  
deposited and credited to such fund and to any separate accounts 6874  
therein, subject to applicable provisions of the bond proceedings, 6875  
but without necessity for any act of appropriation. During the 6876  
period beginning with the date of the first issuance of 6877  
obligations and continuing during such time as any such 6878  
obligations are outstanding, and so long as moneys in the 6879  
pertinent bond service funds are insufficient to pay all bond 6880  
services charges on such obligations becoming due in each year, a 6881  
sufficient amount of the gross profit on the sale of spirituous 6882  
liquor included in pledged receipts are committed and shall be 6883  
paid to the bond service fund or economic development bond service 6884  
fund in each year for the purpose of paying the bond service 6885  
charges becoming due in that year without necessity for further 6886  
act of appropriation for such purpose and notwithstanding anything 6887  
to the contrary in Chapter 4301. of the Revised Code. The economic 6888  
development bond service fund is a trust fund and is hereby 6889  
pledged to the payment of bond service charges to the extent 6890

provided in the applicable bond proceedings, and payment thereof 6891  
from such fund shall be made or provided for by the treasurer of 6892  
state in accordance with such bond proceedings without necessity 6893  
for any act of appropriation. 6894

(T) The obligations, the transfer thereof, and the income 6895  
therefrom, including any profit made on the sale thereof, shall at 6896  
all times be free from taxation within the state. 6897

**Sec. 173.04.** (A) As used in this section, "respite care" 6898  
means short-term, temporary care or supervision provided to a 6899  
person who has Alzheimer's disease in the absence of the person 6900  
who normally provides that care or supervision. 6901

(B) ~~The~~ Through the internet web site maintained by the 6902  
department of aging, the director of aging shall ~~develop and~~ 6903  
~~disseminate new training materials or disseminate existing~~ 6904  
Alzheimer's disease training materials for licensed physicians, 6905  
registered nurses, licensed practical nurses, administrators of 6906  
health care programs, social workers, and other health care and 6907  
social service personnel who participate or assist in the care or 6908  
treatment of persons who have Alzheimer's disease. The training 6909  
materials disseminated through the web site may be developed by 6910  
the director or obtained from other sources. 6911

(C) To the extent funds are available, the director shall 6912  
administer respite care programs and other supportive services for 6913  
persons who have Alzheimer's disease and their families or care 6914  
givers. Respite care programs shall be approved by the director 6915  
and shall be provided for the following purposes: 6916

(1) Giving persons who normally provide care or supervision 6917  
for a person who has Alzheimer's disease relief from the stresses 6918  
and responsibilities that result from providing such care; 6919

(2) Preventing or reducing inappropriate institutional care 6920

and enabling persons who have Alzheimer's disease to remain at 6921  
home as long as possible. 6922

(D) The director may provide services under this section to 6923  
persons with Alzheimer's disease and their families regardless of 6924  
the age of the persons with Alzheimer's disease. 6925

(E) The director shall adopt rules in accordance with Chapter 6926  
119. of the Revised Code governing respite care programs and other 6927  
supportive services, the distribution of funds, and the purpose 6928  
for which funds may be utilized under this section. 6929

(F) The director may create an Alzheimer's disease task force 6930  
to advise the director on the rights of persons with Alzheimer's 6931  
disease and on the development and evaluation of education and 6932  
training programs, home care programs, respite care programs, and 6933  
long-term care initiatives as they relate to Alzheimer's disease. 6934  
If a task force is created, the members shall include 6935  
representatives of the Alzheimer's disease association and other 6936  
organizations the director considers appropriate. 6937

**Sec. 173.35.** (A) As used in this section, "PASSPORT 6938  
administrative agency" means an entity under contract with the 6939  
department of aging to provide administrative services regarding 6940  
the PASSPORT program created under section 173.40 of the Revised 6941  
Code. 6942

(B) The department of aging shall administer the residential 6943  
state supplement program under which the state supplements the 6944  
supplemental security income payments received by aged, blind, or 6945  
disabled adults under Title XVI of the "Social Security Act," 49 6946  
Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state 6947  
supplement payments shall be used for the provision of 6948  
accommodations, supervision, and personal care services to 6949  
supplemental security income recipients who the department 6950  
determines are at risk of needing institutional care. 6951

(C) For an individual to be eligible for residential state supplement payments, all of the following must be the case: 6952  
6953

(1) Except as provided by division (G) of this section, the individual must reside in one of the following: 6954  
6955

(a) An adult foster home certified under section 173.36 of the Revised Code; 6956  
6957

(b) A home or facility, other than a nursing home or nursing home unit of a home for the aging, licensed by the department of health under Chapter 3721. or 3722. of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section; 6958  
6959  
6960  
6961  
6962

(c) A community alternative home licensed under section 3724.03 of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section; 6963  
6964  
6965  
6966

(d) A residential facility as defined in division (A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by the department of mental health and certified in accordance with standards established by the director of aging under division (D)(2) of this section; 6967  
6968  
6969  
6970  
6971

(e) An apartment or room used to provide community mental health housing services certified by the department of mental health under section 5119.611 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)(14) of section 340.03 of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section. 6972  
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(2) Effective July 1, 2000, a PASSPORT administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. If the individual is eligible for supplemental 6979  
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security income payments or social security disability insurance 6983  
benefits because of a mental disability, the PASSPORT 6984  
administrative agency shall refer the individual to a community 6985  
mental health agency for the community mental health agency to 6986  
issue in accordance with section 340.091 of the Revised Code a 6987  
recommendation on whether the PASSPORT administrative agency 6988  
should determine that the environment in which the individual will 6989  
be living while receiving the payments is appropriate for the 6990  
individual's needs. Division (C)(2) of this section does not apply 6991  
to an individual receiving residential state supplement payments 6992  
on June 30, 2000, until the individual's first eligibility 6993  
redetermination after that date. 6994

(3) The individual satisfies all eligibility requirements 6995  
established by rules adopted under division (D) of this section. 6996

(D)(1) The directors of aging and job and family services 6997  
shall adopt rules in accordance with section 111.15 of the Revised 6998  
Code as necessary to implement the residential state supplement 6999  
program. 7000

To the extent permitted by Title XVI of the "Social Security 7001  
Act," and any other provision of federal law, the director of job 7002  
and family services shall adopt rules establishing standards for 7003  
adjusting the eligibility requirements concerning the level of 7004  
impairment a person must have so that the amount appropriated for 7005  
the program by the general assembly is adequate for the number of 7006  
eligible individuals. The rules shall not limit the eligibility of 7007  
disabled persons solely on a basis classifying disabilities as 7008  
physical or mental. The director of job and family services also 7009  
shall adopt rules that establish eligibility standards for aged, 7010  
blind, or disabled individuals who reside in one of the homes or 7011  
facilities specified in division (C)(1) of this section but who, 7012  
because of their income, do not receive supplemental security 7013  
income payments. The rules may provide that these individuals may 7014

include individuals who receive other types of benefits, 7015  
including, social security disability insurance benefits provided 7016  
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 7017  
42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this 7018  
section, such payments may be made if funds are available for 7019  
them. 7020

The director of aging shall adopt rules establishing the 7021  
method to be used to determine the amount an eligible individual 7022  
will receive under the program. The amount the general assembly 7023  
appropriates for the program shall be a factor included in the 7024  
method that department establishes. 7025

(2) The director of aging shall adopt rules in accordance 7026  
with Chapter 119. of the Revised Code establishing standards for 7027  
certification of living facilities described in division (C)(1) of 7028  
this section. 7029

The directors of aging and mental health shall enter into an 7030  
agreement to certify facilities that apply for certification and 7031  
meet the standards established by the director of aging under this 7032  
division. 7033

(E) The county department of job and family services of the 7034  
county in which an applicant for the residential state supplement 7035  
program resides shall determine whether the applicant meets income 7036  
and resource requirements for the program. 7037

(F) The department of aging shall maintain a waiting list of 7038  
any individuals eligible for payments under this section but not 7039  
receiving them because moneys appropriated to the department for 7040  
the purposes of this section are insufficient to make payments to 7041  
all eligible individuals. An individual may apply to be placed on 7042  
the waiting list even though the individual does not reside in one 7043  
of the homes or facilities specified in division (C)(1) of this 7044  
section at the time of application. The Individuals on the waiting 7045

list who reside in a community setting not required to be licensed 7046  
or certified shall have their eligibility for the payments 7047  
assessed before other individuals on the waiting list. 7048

The director of aging, by rules adopted in accordance with 7049  
Chapter 119. of the Revised Code, shall specify procedures and 7050  
requirements for placing an individual on the waiting list. 7051  
~~Individuals on the waiting list who reside in a community setting~~ 7052  
~~not required to be licensed or certified shall have their~~ 7053  
~~eligibility for the payments assessed before other individuals on~~ 7054  
~~the waiting list.~~ 7055

The director may adopt rules giving priority to individuals 7056  
placed on the waiting list on or after July 1, 2006, who receive 7057  
supplemental security income benefits under Title XVI of the 7058  
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 7059  
amended. The rules shall not affect the place on the waiting list 7060  
of any person who was on the list on July 1, 2006. 7061

(G) An individual in a licensed or certified living 7062  
arrangement receiving state supplementation on November 15, 1990, 7063  
under former section 5101.531 of the Revised Code shall not become 7064  
ineligible for payments under this section solely by reason of the 7065  
individual's living arrangement as long as the individual remains 7066  
in the living arrangement in which the individual resided on 7067  
November 15, 1990. 7068

(H) The department of aging shall notify each person denied 7069  
approval for payments under this section of the person's right to 7070  
a hearing. On request, the hearing shall be provided by the 7071  
department of job and family services in accordance with section 7072  
5101.35 of the Revised Code. 7073

**Sec. 173.85.** (A) The Ohio's best Rx program fund is hereby 7074  
~~created. The fund shall be in the custody of the treasurer of~~ 7075  
~~state, but shall not be part of the state treasury. The fund shall~~ 7076

consist of the following:	7077
(1) Manufacturer payments made by participating manufacturers pursuant to agreements entered into under section 173.81 of the Revised Code;	7078 7079 7080
(2) Administrative fees, if an administrative fee is determined by the department of aging in rules adopted under section 173.83 of the Revised Code;	7081 7082 7083
(3) Any amounts donated to the fund and accepted by the department;	7084 7085
(4) The fund's investment earnings.	7086
(B) Money in the Ohio's best Rx program fund shall be used to make payments under section 173.801 of the Revised Code and to make transfers to the Ohio's best Rx administration fund in accordance with section 173.86 of the Revised Code.	7087 7088 7089 7090
<b>Sec. 173.86.</b> (A) The Ohio's best Rx administration fund is hereby created in the state treasury. The <del>treasurer of state</del> <u>director of budget and management</u> shall transfer from the Ohio's best Rx program fund to the Ohio's best Rx administration fund amounts equal to the following:	7091 7092 7093 7094 7095
(1) Amounts resulting from application of the program administration percentage, if a program administration percentage is determined by the department of aging in rules adopted under section 173.83 of the Revised Code;	7096 7097 7098 7099
(2) The amount of the administrative fees charged Ohio's best Rx participants, if an administrative fee is determined by the department of aging in rules adopted under section 173.83 of the Revised Code;	7100 7101 7102 7103
(3) The amount of any donations credited to the Ohio's best Rx program fund;	7104 7105

(4) The amount of investment earnings credited to the Ohio's best Rx program fund. 7106  
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The ~~treasurer of state~~ director of budget and management shall make the transfers in accordance with a schedule developed by the ~~treasurer of state~~ director and the department of aging. 7108  
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(B) The department of aging shall use money in the Ohio's best Rx administration fund to pay the administrative costs of the Ohio's best Rx program, including, but not limited to, costs associated with contracted services, staff, outreach activities, computers and network services, and the Ohio's best Rx program council. If the fund includes an amount that exceeds the amount necessary to pay the administrative costs of the program, the department may use the excess amount to pay the cost of subsidies provided to Ohio's best Rx program participants under any subsidy program established pursuant to section 173.861 of the Revised Code. 7111  
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**Sec. 174.03.** (A) The department of development and the Ohio housing finance agency shall each develop programs under which, in accordance with rules adopted under this section, they may make grants, loans, loan guarantees, and loan subsidies to counties, municipal corporations, townships, local housing authorities, and nonprofit organizations and may make loans, loan guarantees, and loan subsidies to private developers and private lenders to assist in activities that provide housing and housing assistance for specifically targeted low- and moderate-income families and individuals. There is no minimum housing project size for awards under this division for any project that is developed for a special needs population and that is supported by a social service agency where the housing project is located. Activities for which grants, loans, loan guarantees, and loan subsidies may be made under this section include all of the following: 7122  
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(1) Acquiring, financing, constructing, leasing, 7137  
rehabilitating, remodeling, improving, and equipping publicly or 7138  
privately owned housing; 7139

(2) Providing supportive services related to housing and the 7140  
homeless, including housing counseling. Not more than twenty per 7141  
cent of the current year appropriation authority for the low- and 7142  
moderate-income housing trust fund that remains after the award of 7143  
funds made pursuant to divisions (A)(1), (A)(2), and (A)(3) of 7144  
section 174.02 of the Revised Code, shall be awarded in any fiscal 7145  
year for supportive services. 7146

(3) Providing rental assistance payments or other project 7147  
operating subsidies that lower tenant rents. 7148

(B) Activities listed under division (A) of this section may 7149  
include emergency shelter care programs for unaccompanied youth 7150  
seventeen years of age and younger. 7151

(C) Grants, loans, loan guarantees, and loan subsidies may be 7152  
made to counties, municipal corporations, townships, and nonprofit 7153  
organizations for the additional purposes of providing technical 7154  
assistance, design and finance services and consultation, and 7155  
payment of pre-development and administrative costs related to any 7156  
of the activities listed above. 7157

~~(C)~~(D) In developing programs under this section, the 7158  
department and the agency shall invite, accept, and consider 7159  
public comment, and recommendations from the housing trust fund 7160  
advisory committee created under section 174.06 of the Revised 7161  
Code, on how the programs should be designed to most effectively 7162  
benefit low- and moderate-income families and individuals. The 7163  
programs developed under this section shall respond collectively 7164  
to housing and housing assistance needs of low- and 7165  
moderate-income families and individuals statewide. 7166

~~(D)~~(E) The department and the agency, in accordance with 7167

Chapter 119. of the Revised Code, shall each adopt rules to 7168  
administer programs developed under this section. The rules shall 7169  
prescribe procedures and forms that counties, municipal 7170  
corporations, townships, local housing authorities, and nonprofit 7171  
organizations shall use in applying for grants, loans, loan 7172  
guarantees, and loan subsidies and that private developers and 7173  
private lenders shall use in applying for loans, loan guarantees, 7174  
and loan subsidies; eligibility criteria for the receipt of funds; 7175  
procedures for reviewing and granting or denying applications; 7176  
procedures for paying out funds; conditions on the use of funds; 7177  
procedures for monitoring the use of funds; and procedures under 7178  
which a recipient shall be required to repay funds that are 7179  
improperly used. The rules shall do both of the following: 7180

(1) Require each recipient of a grant or loan made from the 7181  
low- and moderate-income housing trust fund for activities that 7182  
provide, or assist in providing, a rental housing project, to 7183  
reasonably ensure that the rental housing project will remain 7184  
affordable to those families and individuals targeted for the 7185  
rental housing project for the useful life of the rental housing 7186  
project or for thirty years, whichever is longer; 7187

(2) Require each recipient of a grant or loan made from the 7188  
low- and moderate-income housing trust fund for activities that 7189  
provide, or assist in providing, a housing project to prepare and 7190  
implement a plan to reasonably assist any families and individuals 7191  
displaced by the housing project in obtaining decent affordable 7192  
housing. 7193

~~(E)~~(F) In prescribing eligibility criteria and conditions for 7194  
the use of funds, neither the department nor the agency is limited 7195  
to the criteria and conditions specified in this section and each 7196  
may prescribe additional eligibility criteria and conditions that 7197  
relate to the purposes for which grants, loans, loan guarantees, 7198  
and loan subsidies may be made. However, the department and agency 7199

are limited by the following specifically targeted low- and 7200  
moderate-income guidelines: 7201

(1) Not less than seventy-five per cent of the money granted 7202  
and loaned under this section in any fiscal year shall be for 7203  
activities that provide affordable housing and housing assistance 7204  
to families and individuals whose incomes are equal to or less 7205  
than fifty per cent of the median income for the county in which 7206  
they live, as determined by the department under section 174.04 of 7207  
the Revised Code. 7208

(2) Any money granted and loaned under this section in any 7209  
fiscal year that is not granted or loaned pursuant to division 7210  
~~(E)~~(F)(1) of this section shall be for activities that provide 7211  
affordable housing and housing assistance to families and 7212  
individuals whose incomes are equal to or less than eighty per 7213  
cent of the median income for the county in which they live, as 7214  
determined by the department under section 174.04 of the Revised 7215  
Code. 7216

~~(F)~~(G) In making grants, loans, loan guarantees, and loan 7217  
subsidies under this section, the department and the agency shall 7218  
give preference to viable projects and activities that benefit 7219  
those families and individuals whose incomes are equal to or less 7220  
than thirty-five per cent of the median income for the county in 7221  
which they live, as determined by the department under section 7222  
174.04 of the Revised Code. 7223

~~(G)~~(H) The department and the agency shall monitor the 7224  
programs developed under this section to ensure that money granted 7225  
and loaned under this section is not used in a manner that 7226  
violates division (H) of section 4112.02 of the Revised Code or 7227  
discriminates against families with children. 7228

**Sec. 174.06.** (A) There is hereby created the housing trust 7229  
fund advisory committee. The committee consists of fourteen 7230

members the governor appoints as follows to represent 7231  
organizations committed to housing and housing assistance for low- 7232  
and moderate-income persons: 7233

(1) One member to represent lenders. 7234

(2) One member to represent for-profit builders and 7235  
developers. 7236

(3) One member to represent the families and individuals 7237  
included in the income groups targeted for housing and housing 7238  
assistance under divisions ~~(E)~~ and (F) and (G) of section 174.03 7239  
of the Revised Code. 7240

(4) One member to represent religious, civic, or social 7241  
service organizations. 7242

(5) One member to represent counties. 7243

(6) One member to represent municipal corporations. 7244

(7) One member to represent townships. 7245

(8) One member to represent local housing authorities. 7246

(9) One member to represent fair housing organizations. 7247

(10) Three members to represent nonprofit organizations. 7248

(11) One member to represent real estate brokers licensed 7249  
under Chapter 4735. of the Revised Code. 7250

(12) One member to represent the for-profit rental housing 7251  
industry. 7252

(B)(1) Terms of office are for four years, with each term 7253  
ending on the same day of the same month as did the term that it 7254  
succeeds. Each member shall hold office from the date of 7255  
appointment until the end of the term for which the member was 7256  
appointed. Vacancies shall be filled in the manner prescribed for 7257  
the original appointment. A member appointed to fill a vacancy 7258  
occurring prior to the expiration of a term shall hold office for 7259

the remainder of that term. A member shall continue in office 7260  
subsequent to the expiration of a term until a successor takes 7261  
office or until a period of sixty days has elapsed, whichever 7262  
occurs first. 7263

(2) The governor may remove a member for misfeasance, 7264  
malfeasance, or willful neglect of duty. 7265

(C)(1) The committee shall select a chairperson from among 7266  
its members. The committee shall meet at least once each calendar 7267  
year and upon the call of the chair. Members of the committee 7268  
serve without compensation, but shall be reimbursed for reasonable 7269  
and necessary expenses incurred in the discharge of duties. 7270

(2) The department of development shall provide the committee 7271  
with a meeting place, supplies, and staff assistance as the 7272  
committee requests. 7273

(D) The committee shall assist the department and the Ohio 7274  
housing finance agency in defining housing needs and priorities, 7275  
recommend to the department and agency at least annually how the 7276  
programs developed under section 174.02 of the Revised Code should 7277  
be designed to most effectively benefit low- and moderate-income 7278  
persons, consider an allocation of funds for projects of fifteen 7279  
units or less, and advise the director of development on whether 7280  
and how to reallocate money in the low- and moderate-income 7281  
housing trust fund under division (B) of section 174.02 of the 7282  
Revised Code. 7283

**Sec. 183.01.** As used in this chapter: 7284

(A) "Tobacco master settlement agreement" means the 7285  
settlement agreement (and related documents) entered into on 7286  
November 23, 1998 by the state and leading United States tobacco 7287  
product manufacturers. 7288

(B) ~~"Net amounts credited to the tobacco master settlement~~ 7289

~~agreement fund" means all amounts credited to the tobacco master 7290  
settlement agreement fund during a fiscal year, minus all amounts 7291  
required to be transferred under section 183.02 of the Revised 7292  
Code to the education facilities trust fund, the education 7293  
facilities endowment fund, and the income tax reduction fund 7294  
during the fiscal year. In addition, in fiscal year 2000, "net 7295  
amounts credited to the tobacco master settlement agreement fund" 7296  
does not include amounts credited to the tobacco use prevention 7297  
and cessation trust fund, law enforcement improvements trust fund, 7298  
and southern Ohio agricultural and community development trust 7299  
fund from the first payment received that year. 7300~~

~~(C) "Southern Ohio" includes any county in this state where 7301  
tobacco has traditionally been grown. 7302~~

**Sec. 183.021.** (A) No money from the tobacco master settlement 7303  
agreement fund, as that fund existed prior to the repeal of 7304  
section 183.02 of the Revised Code by H.B. 119 of the 127th 7305  
general assembly, shall be expended to do any of the following: 7306

(1) Hire an executive agency lobbyist, as defined under 7307  
section 121.60 of the Revised Code, or a legislative agent, as 7308  
defined under section 101.70 of the Revised Code; 7309  
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(2) Support or oppose candidates, ballot questions, 7311  
referendums, or ballot initiatives. 7312

(B) Nothing in this section prohibits any of the following 7313  
from advocating on behalf of the specific objectives of a program 7314  
funded under this chapter: 7315

(1) The members of the board of trustees, executive director, 7316  
or employees of the tobacco use prevention and control foundation; 7317

(2) The members of the board of trustees, executive director, 7318  
or employees of the southern Ohio agricultural and community 7319

development foundation; 7320

(3) The members or employees of the third frontier commission 7321  
or the members of the third frontier advisory board. 7322

**Sec. 183.17.** The fiscal year of the southern Ohio 7323  
agricultural and community development foundation shall be the 7324  
same as the fiscal year of the state. 7325

Within ninety days after the end of each fiscal year, the 7326  
foundation shall submit to the governor and the general assembly 7327  
both of the following: 7328

(A) A report of the activities of the foundation during the 7329  
preceding fiscal year. The report shall also contain an 7330  
independent evaluation of the progress being made by the 7331  
foundation in carrying out its duties. 7332

(B) A financial report of the foundation for the preceding 7333  
year, which shall include both: 7334

(1) Information on the amount and percentage of overhead and 7335  
administrative expenditures compared to programmatic expenditures; 7336

(2) An independent auditor's report on the basic financial 7337  
statements and required supplementary information of the 7338  
foundation. Such financial statements shall be prepared in 7339  
conformity with generally accepted accounting principles 7340  
prescribed for governmental entities. 7341

On or before July 1, 2010, the foundation shall report to the 7342  
governor and the general assembly on the progress that the 7343  
foundation has made in replacing the production of tobacco in 7344  
southern Ohio with the production of other agricultural products 7345  
and in mitigating the adverse economic impact of reduced tobacco 7346  
production in the region. ~~If the foundation concludes that a need 7347  
for additional funding still exists, the foundation may request 7348  
that provision be made for a portion of the payments credited to 7349~~

~~the tobacco master settlement agreement fund to continue to be~~ 7350  
~~transferred to the southern Ohio agricultural and community~~ 7351  
~~development trust fund.~~ 7352

**Sec. 183.33.** No money shall be appropriated or transferred 7353  
from the general revenue fund to the ~~tobacco master settlement~~ 7354  
~~agreement fund~~, tobacco use prevention and cessation trust fund, 7355  
tobacco use prevention and control endowment fund, law enforcement 7356  
improvements trust fund, southern Ohio agricultural and community 7357  
development trust fund, southern Ohio agricultural and community 7358  
development foundation endowment fund, Ohio's public health 7359  
priorities trust fund, biomedical research and technology transfer 7360  
trust fund, education facilities trust fund, ~~education facilities~~ 7361  
~~endowment fund~~, or education technology trust fund. In addition, 7362  
no money shall be otherwise appropriated or transferred from the 7363  
general revenue fund for the use of the tobacco use prevention and 7364  
control foundation ~~or the southern Ohio agricultural and community~~ 7365  
~~development foundation.~~ 7366

**Sec. 183.34.** There is hereby created in the state treasury 7367  
the tobacco settlement oversight, administration, and enforcement 7368  
fund, ~~to~~ which shall ~~be credited~~ consist of amounts transferred 7369  
under division (I) of section 183.02 of the Revised Code prior to 7370  
the repeal of that section by H.B. 119 of the 127th general 7371  
assembly. The attorney general shall use the fund to pay costs 7372  
incurred in the oversight, administration, and enforcement of the 7373  
tobacco master settlement agreement. 7374

**Sec. 183.35.** There is hereby created in the state treasury 7375  
the tobacco settlement enforcement fund, ~~to~~ which shall ~~be~~ 7376  
~~credited~~ consist of amounts transferred under division (J) of 7377  
section 183.02 of the Revised Code prior to the repeal of that 7378  
section by H.B. 119 of the 127th general assembly. The tax 7379

commissioner shall use the fund to pay costs incurred in the 7380  
enforcement of divisions (F) and (G) of section 5743.03 of the 7381  
Revised Code. 7382

Sec. 183.51. (A) As used in this section and in the 7383  
applicable bond proceedings unless otherwise provided: 7384

(1) "Bond proceedings" means the resolutions, orders, 7385  
indentures, purchase and sale and trust and other agreements 7386  
including any amendments or supplements to them, and credit 7387  
enhancement facilities, and amendments and supplements to them, or 7388  
any one or more or combination of them, authorizing, awarding, or 7389  
providing for the terms and conditions applicable to or providing 7390  
for the security or liquidity of, the particular obligations, and 7391  
the provisions contained in those obligations. 7392

(2) "Bond service fund" means the bond service fund created 7393  
in the bond proceedings for the obligations. 7394

(3) "Capital facilities" means, as applicable, capital 7395  
facilities or projects as referred to in sections 151.03, 151.04, 7396  
152.09, 152.33, 154.20, or 154.22 of the Revised Code. 7397

(4) "Consent decree" means the consent decree and final 7398  
judgment entered November 25, 1998, in the court of common pleas 7399  
of Franklin county, Ohio, as the same may be amended or 7400  
supplemented from time to time. 7401

(5) "Cost of capital facilities" has the same meaning as in 7402  
section 151.01, 152.09, or 154.01 of the Revised Code, as 7403  
applicable. 7404

(6) "Credit enhancement facilities," "financing costs," and 7405  
"interest" or "interest equivalent" have the same meanings as in 7406  
section 133.01 of the Revised Code. 7407

(7) "Debt service" means principal, including any mandatory 7408  
sinking fund or redemption requirements for retirement of 7409

obligations, interest and other accreted amounts, interest 7410  
equivalent, and any redemption premium, payable on obligations. If 7411  
not prohibited by the applicable bond proceedings, "debt service" 7412  
may include costs relating to credit enhancement facilities that 7413  
are related to and represent, or are intended to provide a source 7414  
of payment of or limitation on, other debt service. 7415

(8) "Improvement fund" means, as applicable, the school 7416  
building program assistance fund created in section 3318.25 of the 7417  
Revised Code, the higher education improvement fund created in 7418  
section 154.21 of the Revised Code, the mental health facilities 7419  
improvement fund created in section 154.20 of the Revised Code, 7420  
the parks and recreation improvement fund created in section 7421  
154.22 of the Revised Code, the administrative building fund 7422  
created in section 123.10 of the Revised Code, and the adult 7423  
correctional building fund referred to in section 5120.105 of the 7424  
Revised Code. 7425

(9) "Issuing authority" means the Ohio tobacco settlement 7426  
financing authority created in section 183.52 of the Revised Code. 7427

(10) "Net proceeds" means amounts received from the sale of 7428  
obligations, excluding amounts used to refund or retire 7429  
outstanding obligations, amounts required to be deposited into 7430  
special funds pursuant to the applicable bond proceedings, and 7431  
amounts to be used to pay financing costs. 7432

(11) "Obligations" means bonds, notes, or other evidences of 7433  
obligation of the issuing authority, including any appertaining 7434  
interest coupons, issued by the issuing authority under this 7435  
section and Section 2i of Article VIII, Ohio Constitution, for the 7436  
purpose of providing funds to the state, in exchange for the 7437  
assignment and sale described in division (B) of this section, for 7438  
the purpose of paying costs of capital facilities for: (a) housing 7439  
branches and agencies of state government, including but not 7440  
limited to facilities for housing state agencies, for a system of 7441

common schools throughout the state, and for use as state 7442  
correctional facilities or county, multicounty, municipal-county, 7443  
and multicounty-municipal jail facilities or workhouses; (b) 7444  
state-supported or state-assisted institutions of higher 7445  
education; (c) mental hygiene and retardation; and (d) parks and 7446  
recreation. 7447

(12) "Pledged receipts" means, as and to the extent provided 7448  
for in the applicable bond proceedings: 7449

(a) Pledged tobacco settlement receipts; 7450

(b) Accrued interest received from the sale of obligations; 7451

(c) Income from the investment of the special funds; 7452

(d) Additional or any other specific revenues or receipts 7453  
lawfully available to be pledged, and pledged, pursuant to the 7454  
bond proceedings, including but not limited to amounts received 7455  
under credit enhancement facilities, to the payment of debt 7456  
service. 7457

(13) "Pledged tobacco settlement receipts" means all amounts 7458  
received by the issuing authority pursuant to division (B) of this 7459  
section. 7460

(14) "Principal amount" means the aggregate of the amount as 7461  
stated or provided for in the applicable bond proceedings as the 7462  
amount on which interest or interest equivalent on particular 7463  
obligations is initially calculated. "Principal amount" does not 7464  
include any premium paid to the issuing authority by the initial 7465  
purchaser of the obligations. "Principal amount" of a capital 7466  
appreciation bond, as defined in division (C) of section 3334.01 7467  
of the Revised Code, means its original face amount and not its 7468  
accreted value, and "principal amount" of a zero coupon bond, as 7469  
defined in division (J) of section 3334.01 of the Revised Code, 7470  
means the discounted offering price at which the bond is initially 7471  
sold to the public, disregarding any purchase price discount to 7472

the original purchaser, if provided in or for pursuant to the bond 7473  
proceedings. 7474

(15) "Special funds" or "funds," unless the context indicates 7475  
otherwise, means the bond service fund, and any other funds, 7476  
including any reserve funds, created under the bond proceedings 7477  
and stated to be special funds in those proceedings, including 7478  
moneys and investments, and earnings from investments, credited 7479  
and to be credited to the particular fund. "Special funds" does 7480  
not include any improvement fund or investment earnings on amounts 7481  
in any improvement fund, or other funds created by the bond 7482  
proceedings that are not stated by those proceedings to be special 7483  
funds. 7484

(B) The state may assign and sell to the issuing authority, 7485  
and the issuing authority may accept and purchase, all or a 7486  
portion of the amounts to be received by the state under the 7487  
tobacco master settlement agreement for a purchase price payable 7488  
by the issuing authority to the state consisting of the net 7489  
proceeds of obligations and any residual interest, if any. Any 7490  
such assignment and sale shall be irrevocable in accordance with 7491  
its terms during the period any obligations secured by amounts so 7492  
assigned and sold are outstanding under the applicable bond 7493  
proceedings, and shall constitute a contractual obligation to the 7494  
holders or owners of those obligations. Any such assignment and 7495  
sale shall also be treated as an absolute transfer and true sale 7496  
for all purposes, and not as a pledge or other security interest. 7497  
The characterization of any such assignment and sale as a true 7498  
sale and absolute transfer shall not be negated or adversely 7499  
affected by only a portion of the amounts to be received under the 7500  
tobacco master settlement agreement being transferred, the 7501  
acquisition or retention by the state of a residual interest, the 7502  
participation of any state officer or employee as a member or 7503  
officer of, or providing staff support to, the issuing authority, 7504

any responsibility of an officer or employee of the state for 7505  
collecting the amounts to be received under the tobacco master 7506  
settlement agreement or otherwise enforcing that agreement or 7507  
retaining any legal title to or interest in any portion of the 7508  
amounts to be received under that agreement for the purpose of 7509  
these collection activities, any characterization of the issuing 7510  
authority or its obligations for purposes of accounting, taxation, 7511  
or securities regulation, or by any other factors whatsoever. A 7512  
true sale shall exist under this section regardless of whether the 7513  
issuing authority has any recourse against the state or any other 7514  
term of the bond proceedings or the treatment or characterization 7515  
of the transfer as a financing for any purpose. Upon and following 7516  
the assignment and sale, the state shall not have any right, 7517  
title, or interest in the portion of the receipts under the 7518  
tobacco master settlement agreement so assigned and sold, other 7519  
than any residual interest that may be described in the applicable 7520  
bond proceedings for those obligations, and that portion, if any, 7521  
shall be the property of the issuing authority and not of the 7522  
state, and shall be paid directly to the issuing authority, and 7523  
shall be owned, received, held, and disbursed by the issuing 7524  
authority and not by the state. 7525

The state may covenant, pledge, and agree in the bond 7526  
proceedings, with and for the benefit of the issuing authority, 7527  
the holders and owners of obligations, and providers of any credit 7528  
enhancement facilities, that it shall: (1) maintain statutory 7529  
authority for, and cause to be collected and paid directly to the 7530  
issuing authority or its assignee, the pledged receipts, (2) 7531  
enforce the rights of the issuing authority to receive the 7532  
receipts under the tobacco master settlement agreement assigned 7533  
and sold to the issuing authority, (3) not limit or alter the 7534  
rights of the issuing authority to fulfill the terms of its 7535  
agreements with the holders or owners of obligations outstanding 7536  
under the bond proceedings, (4) not in any way impair the rights 7537

and remedies of the holders or owners of obligations outstanding 7538  
under the bond proceedings or impair the security for those 7539  
obligations, and (5) enforce Chapter 1346. of the Revised Code, 7540  
the tobacco master settlement agreement, and the consent decree to 7541  
effectuate the collection of the pledged tobacco settlement 7542  
receipts. 7543

The bond proceedings may also include such other covenants, 7544  
pledges, and agreements by the state to protect and safeguard the 7545  
security and rights of the holders and owners of the obligations, 7546  
and of the providers of any credit enhancement facilities, 7547  
including, without limiting the generality of the foregoing, any 7548  
covenant, pledge, or agreement customary in transactions involving 7549  
the issuance of securities the debt service on which is payable 7550  
from or secured by amounts received under the tobacco master 7551  
settlement agreement. Notwithstanding any other provision of law, 7552  
any covenant, pledge, and agreement of the state, if and when made 7553  
in the bond proceedings, shall be controlling and binding upon, 7554  
and enforceable against the state in accordance with its terms for 7555  
so long as any obligations are outstanding under the applicable 7556  
bond proceedings. The bond proceedings may also include 7557  
limitations on the remedies available to the issuing authority, 7558  
the holders and owners of the obligations, and the providers of 7559  
any credit enhancement facilities, including, without limiting the 7560  
generality of the foregoing, a provision that those remedies may 7561  
be limited to injunctive relief in circumstances where there has 7562  
been no prior determination by a court of competent jurisdiction 7563  
that the state has not enforced Chapter 1346. of the Revised Code, 7564  
the tobacco master settlement agreement, or the consent decree as 7565  
may have been covenanted or agreed in the bond proceedings under 7566  
division (B)(5) of this section. 7567

Nothing in this section or the bond proceedings shall 7568  
preclude or limit, or be construed to preclude or limit, the state 7569

from regulating or authorizing or permitting the regulation of 7570  
smoking or from taxing and regulating the sale of cigarettes or 7571  
other tobacco products, or from defending or prosecuting cases or 7572  
other actions relating to the sale or use of cigarettes or other 7573  
tobacco products. Except as otherwise may be agreed in writing by 7574  
the attorney general, nothing in this section or the bond 7575  
proceedings shall modify or limit, or be construed to modify or 7576  
limit, the responsibility, power, judgment, and discretion of the 7577  
attorney general to protect and discharge the duties, rights, and 7578  
obligations of the state under the tobacco master settlement 7579  
agreement, the consent decree, or Chapter 1346. of the Revised 7580  
Code. 7581

The governor and the director of budget and management, in 7582  
consultation with the attorney general, on behalf of the state, 7583  
and any member or officer of the issuing authority as authorized 7584  
by that issuing authority, on behalf of the issuing authority, may 7585  
take any action and execute any documents, including any purchase 7586  
and sale agreements, necessary to effect the assignment and sale 7587  
and the acceptance of the assignment and title to the receipts 7588  
including, providing irrevocable direction to the escrow agent 7589  
acting under the tobacco master settlement agreement to transfer 7590  
directly to the issuing authority the amounts to be received under 7591  
that agreement that are subject to such assignment and sale. Any 7592  
purchase and sale agreement or other bond proceedings may contain 7593  
the terms and conditions established by the state and the issuing 7594  
authority to carry out and effectuate the purposes of this 7595  
section, including, without limitation, covenants binding the 7596  
state in favor of the issuing authority and its assignees and the 7597  
owners of the obligations. Any such purchase and sale agreement 7598  
shall be sufficient to effectuate such purchase and sale without 7599  
regard to any other laws governing other property sales or 7600  
financial transactions by the state. 7601

Not later than two years following the date on which there 7602  
are no longer any obligations outstanding under the bond 7603  
proceedings, all assets of the issuing authority shall vest in the 7604  
state, the issuing authority shall execute any necessary 7605  
assignments or instruments, including any assignment of any right, 7606  
title, or ownership to the state for receipt of amounts under the 7607  
tobacco master settlement agreement, and the issuing authority 7608  
shall be dissolved. 7609

(C) The issuing authority is authorized to issue and to sell 7610  
obligations as provided in this section. The aggregate principal 7611  
amount of obligations issued under this section shall not exceed 7612  
six billion dollars, exclusive of obligations issued under 7613  
division (M)(1) of this section to refund, renew, or advance 7614  
refund other obligations issued or incurred. At least seventy-five 7615  
per cent of the aggregate net proceeds of the obligations issued 7616  
under the authority of this section, exclusive of obligations 7617  
issued to refund, renew, or advance refund other obligations, 7618  
shall be paid to the state for deposit into the school building 7619  
program assistance fund created in section 3318.25 of the Revised 7620  
Code. 7621

(D) Each issue of obligations shall be authorized by 7622  
resolution or order of the issuing authority. The bond proceedings 7623  
shall provide for or authorize the manner for determining the 7624  
principal amount or maximum principal amount of obligations of an 7625  
issue, the principal maturity or maturities, the interest rate or 7626  
rates, the date of and the dates of payment of interest on the 7627  
obligations, their denominations, and the place or places of 7628  
payment of debt service which may be within or outside the state. 7629  
Unless otherwise provided by law, the latest principal maturity 7630  
may not be later than the earlier of the thirty-first day of 7631  
December of the fiftieth calendar year after the year of issuance 7632  
of the particular obligations or of the fiftieth calendar year 7633

after the year in which the original obligation to pay was issued 7634  
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 7635  
the Revised Code apply to the obligations. 7636

The purpose of the obligations may be stated in the bond 7637  
proceedings in general terms, such as, as applicable, "paying 7638  
costs of capital facilities for a system of common schools," 7639  
"paying costs of facilities for state-supported and state-assisted 7640  
institutions of higher education," "paying the cost of capital 7641  
facilities for housing of branches and agencies of state 7642  
government, including capital facilities for the purpose of 7643  
housing personnel, equipment, or functions, or any combination 7644  
thereof that the state agencies are responsible for housing," 7645  
"paying costs of capital facilities for use as state correctional 7646  
facilities or county, multicounty, municipal-county, and 7647  
multicounty-municipal jail facilities or workhouses, or as single 7648  
county or district community-based correctional facilities," 7649  
"paying costs of capital facilities for mental hygiene and 7650  
retardation," and "paying costs of capital facilities for parks 7651  
and recreation." Unless otherwise provided in the bond proceedings 7652  
or in division (C) of this section, the net proceeds from the 7653  
issuance of the obligations shall be paid to the state for deposit 7654  
into the applicable improvement fund. Notwithstanding division 7655  
(B)(4) of section 3318.38 of the Revised Code, net proceeds of 7656  
obligations deposited into the school building program assistance 7657  
fund created in section 3318.25 of the Revised Code may be used to 7658  
pay basic project costs under section 3318.38 of the Revised Code 7659  
at the times determined by the Ohio school facilities commission 7660  
without regard to whether those expenditures are in proportion to 7661  
the state's and the school district's respective shares of that 7662  
basic project cost. As used in the preceding sentence, "Ohio 7663  
school facilities commission" and "basic project costs" have the 7664  
same meanings as in section 3318.01 of the Revised Code. 7665

(E) The issuing authority may, without need for any other approval, appoint or provide for the appointment of paying agents, bond registrars, securities depositories, credit enhancement providers or counterparties, clearing corporations, and transfer agents, and retain or contract for the services of underwriters, investment bankers, financial advisers, accounting experts, marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the judgment of the issuing authority to carry out the issuing authority's functions under this section and section 183.52 of the Revised Code. The attorney general as counsel to the issuing authority shall represent the authority in the execution of its powers and duties, and shall institute and prosecute all actions on its behalf. The issuing authority and the attorney general shall work together to arrange for the appointment of counsel who shall be appointed by the attorney general, after receipt of recommendations from the issuing authority, for the purposes of carrying out the functions under this section and related sections of the Revised Code. Financing costs are payable, as may be provided in the bond proceedings, from the proceeds of the obligations, from special funds, or from other moneys available for the purpose, including as to future financing costs, from the pledged receipts.

(F) The issuing authority may irrevocably pledge and assign all, or such portion as the issuing authority determines, of the pledged receipts to the payment of the debt service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions in the bond proceedings with respect to pledged receipts as authorized by this section, which provisions are controlling notwithstanding any other provisions of law pertaining to them. Any and all pledged receipts received by the issuing authority and required by the bond

proceedings, consistent with this section, to be deposited, 7699  
transferred, or credited to the bond service fund, and all other 7700  
money transferred or allocated to or received for the purposes of 7701  
that fund, shall be deposited and credited to the bond service 7702  
fund created in the bond proceedings for the obligations, subject 7703  
to any applicable provisions of those bond proceedings, but 7704  
without necessity for any act of appropriation. Those pledged 7705  
receipts shall immediately be subject to the lien of that pledge 7706  
without any physical delivery thereof or further act, and shall 7707  
not be subject to other court judgments. The lien of the pledge of 7708  
those pledged receipts shall be valid and binding against all 7709  
parties having claims of any kind against the issuing authority, 7710  
irrespective of whether those parties have notice thereof. The 7711  
pledge shall create a perfected security interest for all purposes 7712  
of Chapter 1309. of the Revised Code and a perfected lien for 7713  
purposes of any other interest, all without the necessity for 7714  
separation or delivery of funds or for the filing or recording of 7715  
the applicable bond proceedings by which that pledge is created or 7716  
any certificate, statement, or other document with respect 7717  
thereto. The pledge of the pledged receipts shall be effective and 7718  
the money therefrom and thereof may be applied to the purposes for 7719  
which pledged. 7720

(G) Obligations may be further secured, as determined by the 7721  
issuing authority, by an indenture or a trust agreement between 7722  
the issuing authority and a corporate trustee, which may be any 7723  
trust company or bank having a place of business within the state. 7724  
Any indenture or trust agreement may contain the resolution or 7725  
order authorizing the issuance of the obligations, any provisions 7726  
that may be contained in any bond proceedings, and other 7727  
provisions that are customary or appropriate in an agreement of 7728  
that type, including, but not limited to: 7729

(1) Maintenance of each pledge, indenture, trust agreement, 7730

or other instrument comprising part of the bond proceedings until 7731  
the issuing authority has fully paid or provided for the payment 7732  
of debt service on the obligations secured by it; 7733

(2) In the event of default in any payments required to be 7734  
made by the bond proceedings, enforcement of those payments or 7735  
agreements by mandamus, the appointment of a receiver, suit in 7736  
equity, action at law, or any combination of them; 7737

(3) The rights and remedies of the holders or owners of 7738  
obligations and of the trustee and provisions for protecting and 7739  
enforcing them, including limitations on rights of individual 7740  
holders and owners. 7741

(H) The bond proceedings may contain additional provisions 7742  
customary or appropriate to the financing or to the obligations or 7743  
to particular obligations including, but not limited to, 7744  
provisions for: 7745

(1) The redemption of obligations prior to maturity at the 7746  
option of the issuing authority or of the holder or upon the 7747  
occurrence of certain conditions, and at a particular price or 7748  
prices and under particular terms and conditions; 7749

(2) The form of and other terms of the obligations; 7750

(3) The establishment, deposit, investment, and application 7751  
of special funds, and the safeguarding of moneys on hand or on 7752  
deposit, in lieu of the applicability of provisions of Chapter 7753  
131. or 135. of the Revised Code, but subject to any special 7754  
provisions of this section with respect to the application of 7755  
particular funds or moneys. Any financial institution that acts as 7756  
a depository of any moneys in special funds or other funds under 7757  
the bond proceedings may furnish indemnifying bonds or pledge 7758  
securities as required by the issuing authority. 7759

(4) Any or every provision of the bond proceedings being 7760  
binding upon the issuing authority and upon such governmental 7761

agency or entity, officer, board, authority, agency, department, 7762  
institution, district, or other person or body as may from time to 7763  
time be authorized to take actions as may be necessary to perform 7764  
all or any part of the duty required by the provision; 7765

(5) The maintenance of each pledge or instrument comprising 7766  
part of the bond proceedings until the issuing authority has fully 7767  
paid or provided for the payment of the debt service on the 7768  
obligations or met other stated conditions; 7769

(6) In the event of default in any payments required to be 7770  
made by the bond proceedings, or by any other agreement of the 7771  
issuing authority made as part of a contract under which the 7772  
obligations were issued or secured, including a credit enhancement 7773  
facility, the enforcement of those payments by mandamus, a suit in 7774  
equity, an action at law, or any combination of those remedial 7775  
actions; 7776

(7) The rights and remedies of the holders or owners of 7777  
obligations or of book-entry interests in them, and of third 7778  
parties under any credit enhancement facility, and provisions for 7779  
protecting and enforcing those rights and remedies, including 7780  
limitations on rights of individual holders or owners; 7781

(8) The replacement of mutilated, destroyed, lost, or stolen 7782  
obligations; 7783

(9) The funding, refunding, or advance refunding, or other 7784  
provision for payment, of obligations that will then no longer be 7785  
outstanding for purposes of this section or of the applicable bond 7786  
proceedings; 7787

(10) Amendment of the bond proceedings; 7788

(11) Any other or additional agreements with the owners of 7789  
obligations, and such other provisions as the issuing authority 7790  
determines, including limitations, conditions, or qualifications, 7791  
relating to any of the foregoing or the activities of the issuing 7792

authority in connection therewith. 7793

The bond proceedings shall make provision for the payment of 7794  
the expenses of the enforcement activity of the attorney general 7795  
referred to in division (B) of this section from the amounts from 7796  
the tobacco master settlement agreement assigned and sold to the 7797  
issuing authority under that division or from the proceeds of 7798  
obligations, or a combination thereof, which may include provision 7799  
for both annual payments and a special fund providing reserve 7800  
amounts for the payment of those expenses. 7801

The issuing authority shall not, and shall covenant in the 7802  
bond proceedings that it shall not, be authorized to and shall not 7803  
file a voluntary petition under the United States Bankruptcy Code, 7804  
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 7805  
similar bankruptcy proceeding under state law including, without 7806  
limitation, consenting to the appointment of a receiver or trustee 7807  
or making a general or specific assignment for the benefit of 7808  
creditors, and neither any public officer or any organization, 7809  
entity, or other person shall authorize the issuing authority to 7810  
be or become a debtor under the United States Bankruptcy Code or 7811  
take any of those actions under the United States Bankruptcy Code 7812  
or state law. The state hereby covenants, and the issuing 7813  
authority shall covenant, with the holders or owners of the 7814  
obligations, that the state shall not permit the issuing authority 7815  
to file a voluntary petition under the United States Bankruptcy 7816  
Code or take any of those actions under the United States 7817  
Bankruptcy Code or state law during the period obligations are 7818  
outstanding and for any additional period for which the issuing 7819  
authority covenants in the bond proceedings, which additional 7820  
period may, but need not, be a period of three hundred sixty-seven 7821  
days or more. 7822

(I) The obligations requiring execution by or for the issuing 7823  
authority shall be signed as provided in the bond proceedings, and 7824

may bear the official seal of the issuing authority or a facsimile 7825  
thereof. Any obligation may be signed by the individual who, on 7826  
the date of execution, is the authorized signer even though, on 7827  
the date of the obligations, that individual is not an authorized 7828  
signer. In case the individual whose signature or facsimile 7829  
signature appears on any obligation ceases to be an authorized 7830  
signer before delivery of the obligation, that signature or 7831  
facsimile is nevertheless valid and sufficient for all purposes as 7832  
if that individual had remained the authorized signer until 7833  
delivery. 7834

(J) Obligations are investment securities under Chapter 1308. 7835  
of the Revised Code. Obligations may be issued in bearer or in 7836  
registered form, registrable as to principal alone or as to both 7837  
principal and interest, or both, or in certificated or 7838  
uncertificated form, as the issuing authority determines. 7839  
Provision may be made for the exchange, conversion, or transfer of 7840  
obligations and for reasonable charges for registration, exchange, 7841  
conversion, and transfer. Pending preparation of final 7842  
obligations, the issuing authority may provide for the issuance of 7843  
interim instruments to be exchanged for the final obligations. 7844

(K) Obligations may be sold at public sale or at private 7845  
sale, in such manner, and at such price at, above, or below par, 7846  
all as determined by and provided by the issuing authority in the 7847  
bond proceedings. 7848

(L) Except to the extent that rights are restricted by the 7849  
bond proceedings, any owner of obligations or provider of or 7850  
counterparty to a credit enhancement facility may by any suitable 7851  
form of legal proceedings protect and enforce any rights relating 7852  
to obligations or that facility under the laws of this state or 7853  
granted by the bond proceedings. Those rights include the right to 7854  
compel the performance of all applicable duties of the issuing 7855  
authority and the state. Each duty of the issuing authority and 7856

that issuing authority's officers, staff, and employees, and of 7857  
each state entity or agency, or using district or using 7858  
institution, and its officers, members, staff, or employees, 7859  
undertaken pursuant to the bond proceedings, is hereby established 7860  
as a duty of the entity or individual having authority to perform 7861  
that duty, specifically enjoined by law and resulting from an 7862  
office, trust, or station within the meaning of section 2731.01 of 7863  
the Revised Code. The individuals who are from time to time 7864  
members of the issuing authority, or their designees acting 7865  
pursuant to section 183.52 of the Revised Code, or the issuing 7866  
authority's officers, staff, agents, or employees, when acting 7867  
within the scope of their employment or agency, shall not be 7868  
liable in their personal capacities on any obligations or 7869  
otherwise under the bond proceedings, or for otherwise exercising 7870  
or carrying out any purposes or powers of the issuing authority. 7871

(M)(1) Subject to any applicable limitations in division (C) 7872  
of this section, the issuing authority may also authorize and 7873  
provide for the issuance of: 7874

(a) Obligations in the form of bond anticipation notes, and 7875  
may authorize and provide for the renewal of those notes from time 7876  
to time by the issuance of new notes. The holders of notes or 7877  
appertaining interest coupons have the right to have debt service 7878  
on those notes paid solely from the moneys and special funds, and 7879  
all or any portion of the pledged receipts, that are or may be 7880  
pledged to that payment, including the proceeds of bonds or 7881  
renewal notes or both, as the issuing authority provides in the 7882  
bond proceedings authorizing the notes. Notes may be additionally 7883  
secured by covenants of the issuing authority to the effect that 7884  
the issuing authority will do all things necessary for the 7885  
issuance of bonds or renewal notes in such principal amount and 7886  
upon such terms as may be necessary to provide moneys to pay when 7887  
due the debt service on the notes, and apply their proceeds to the 7888

extent necessary, to make full and timely payment of debt service 7889  
on the notes as provided in the applicable bond proceedings. In 7890  
the bond proceedings authorizing the issuance of bond anticipation 7891  
notes the issuing authority shall set forth for the bonds 7892  
anticipated an estimated schedule of annual principal payments the 7893  
latest of which shall be no later than provided in division (D) of 7894  
this section. While the notes are outstanding there shall be 7895  
deposited, as shall be provided in the bond proceedings for those 7896  
notes, from the sources authorized for payment of debt service on 7897  
the bonds, amounts sufficient to pay the principal of the bonds 7898  
anticipated as set forth in that estimated schedule during the 7899  
time the notes are outstanding, which amounts shall be used solely 7900  
to pay the principal of those notes or of the bonds anticipated. 7901

(b) Obligations for the refunding, including funding and 7902  
retirement, and advance refunding, with or without payment or 7903  
redemption prior to maturity, of any obligations previously issued 7904  
under this section and any bonds or notes previously issued for 7905  
the purpose of paying costs of capital facilities for: (i) 7906  
state-supported or state-assisted institutions of higher education 7907  
as authorized by sections 151.01 and 151.04 of the Revised Code, 7908  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution; 7909  
(ii) housing branches and agencies of state government, including 7910  
but not limited to facilities for housing state agencies as 7911  
authorized by section 152.09 of the Revised Code, pursuant to 7912  
Section 2i of Article VIII, Ohio Constitution, for a system of 7913  
common schools throughout the state as authorized by sections 7914  
151.01 and 151.03 of the Revised Code, pursuant to Sections 2i and 7915  
2n of Article VIII, Ohio Constitution, and for use as state 7916  
correctional facilities or county, multicounty, municipal-county, 7917  
and multicounty-municipal jail facilities or workhouses as 7918  
authorized by section 152.33 of the Revised Code, pursuant to 7919  
Section 2i of Article VIII, Ohio Constitution; (iii) mental 7920  
hygiene and retardation as authorized by sections 154.01 and 7921

154.20 of the Revised Code, pursuant to Section 2i of Article 7922  
VIII, Ohio Constitution; and (iv) parks and recreation as 7923  
authorized by sections 154.01 and 154.22 of the Revised Code, 7924  
pursuant to Section 2i of Article VIII, Ohio Constitution. 7925  
Refunding obligations may be issued in amounts sufficient to pay 7926  
or to provide for repayment of the principal amount, including 7927  
principal amounts maturing prior to the redemption of the 7928  
remaining prior obligations or bonds or notes, any redemption 7929  
premium, and interest accrued or to accrue to the maturity or 7930  
redemption date or dates, payable on the prior obligations or 7931  
bonds or notes, and related financing costs and any expenses 7932  
incurred or to be incurred in connection with that issuance and 7933  
refunding. Subject to the applicable bond proceedings, the portion 7934  
of the proceeds of the sale of refunding obligations issued under 7935  
division (M)(1)(b) of this section to be applied to debt service 7936  
on the prior obligations or bonds or notes shall be credited to an 7937  
appropriate separate account in the bond service fund and held in 7938  
trust for the purpose by the issuing authority or by a corporate 7939  
trustee, and may be invested as provided in the bond proceedings. 7940  
Obligations authorized under this division shall be considered to 7941  
be issued for those purposes for which the prior obligations or 7942  
bonds or notes were issued. 7943

(2) The principal amount of refunding, advance refunding, or 7944  
renewal obligations issued pursuant to division (M) of this 7945  
section shall be in addition to the amount authorized in division 7946  
(C) of this section. 7947

(N) Obligations are lawful investments for banks, savings and 7948  
loan associations, credit union share guaranty corporations, trust 7949  
companies, trustees, fiduciaries, insurance companies, including 7950  
domestic for life and domestic not for life, trustees or other 7951  
officers having charge of sinking and bond retirement or other 7952  
special funds of the state and political subdivisions and taxing 7953

districts of this state, notwithstanding any other provisions of 7954  
the Revised Code or rules adopted pursuant to those provisions by 7955  
any state agency with respect to investments by them, and are also 7956  
acceptable as security for the repayment of the deposit of public 7957  
moneys. The exemptions from taxation in Ohio as provided for in 7958  
particular sections of the Ohio Constitution and section 5709.76 7959  
of the Revised Code apply to the obligations. 7960

(O)(1) Unless otherwise provided or provided for in any 7961  
applicable bond proceedings, moneys to the credit of or in a 7962  
special fund shall be disbursed on the order of the issuing 7963  
authority. No such order is required for the payment, from the 7964  
bond service fund or other special fund, when due of debt service 7965  
or required payments under credit enhancement facilities. 7966

(2) Payments received by the issuing authority under interest 7967  
rate hedges entered into as credit enhancement facilities under 7968  
this section shall be deposited as provided in the applicable bond 7969  
proceedings. 7970

(P) The obligations shall not be general obligations of the 7971  
state and the full faith and credit, revenue, and taxing power of 7972  
the state shall not be pledged to the payment of debt service on 7973  
them or to any guarantee of the payment of that debt service. The 7974  
holders or owners of the obligations shall have no right to have 7975  
any moneys obligated or pledged for the payment of debt service 7976  
except as provided in this section and in the applicable bond 7977  
proceedings. The rights of the holders and owners to payment of 7978  
debt service are limited to all or that portion of the pledged 7979  
receipts, and those special funds, pledged to the payment of debt 7980  
service pursuant to the bond proceedings in accordance with this 7981  
section, and each obligation shall bear on its face a statement to 7982  
that effect. 7983

(O) Each bond service fund is a trust fund and is hereby 7984  
pledged to the payment of debt service on the applicable 7985

obligations. Payment of that debt service shall be made or 7986  
provided for by the issuing authority in accordance with the bond 7987  
proceedings without necessity for any act of appropriation. The 7988  
bond proceedings may provide for the establishment of separate 7989  
accounts in the bond service fund and for the application of those 7990  
accounts only to debt service on specific obligations, and for 7991  
other accounts in the bond service fund within the general 7992  
purposes of that fund. 7993

(R) Subject to the bond proceedings pertaining to any 7994  
obligations then outstanding in accordance with their terms, the 7995  
issuing authority may in the bond proceedings pledge all, or such 7996  
portion as the issuing authority determines, of the moneys in the 7997  
bond service fund to the payment of debt service on particular 7998  
obligations, and for the establishment and maintenance of any 7999  
reserves for payment of particular debt service. 8000

(S)(1) Unless otherwise provided in any applicable bond 8001  
proceedings, moneys to the credit of special funds may be invested 8002  
by or on behalf of the issuing authority only in one or more of 8003  
the following: 8004

(a) Notes, bonds, or other direct obligations of the United 8005  
States or of any agency or instrumentality of the United States, 8006  
or in no-front-end-load money market mutual funds consisting 8007  
exclusively of those obligations, or in repurchase agreements, 8008  
including those issued by any fiduciary, secured by those 8009  
obligations, or in collective investment funds consisting 8010  
exclusively of those obligations; 8011

(b) Obligations of this state or any political subdivision of 8012  
this state; 8013

(c) Certificates of deposit of any national bank located in 8014  
this state and any bank, as defined in section 1101.01 of the 8015  
Revised Code, subject to inspection by the superintendent of 8016

financial institutions; 8017

(d) The treasurer of state's pooled investment program under 8018  
section 135.45 of the Revised Code; 8019

(e) Other investment agreements or repurchase agreements that 8020  
are consistent with the ratings on the obligations. 8021

(2) The income from investments referred to in division 8022  
(S)(1) of this section shall be credited to special funds or 8023  
otherwise as the issuing authority determines in the bond 8024  
proceedings. Those investments may be sold or exchanged at times 8025  
as the issuing authority determines, provides for, or authorizes. 8026

(T) The treasurer of state shall have responsibility for 8027  
keeping records, making reports, and making payments, relating to 8028  
any arbitrage rebate requirements under the applicable bond 8029  
proceedings. 8030

**Sec. 183.52. (A) There is hereby created a body, both** 8031  
**corporate and politic, constituting an agency and instrumentality** 8032  
**of this state and performing essential functions of the state, to** 8033  
**be known as the Ohio tobacco settlement financing authority, which** 8034  
**in that name may contract and be contracted with, sue and be sued,** 8035  
**and exercise all other authority vested in that authority by this** 8036  
**section and section 183.51 of the Revised Code. The authority is** 8037  
**created for the sole purpose of purchasing and receiving any** 8038  
**assignment of the tobacco settlement receipts and issuing** 8039  
**obligations, all as provided for in section 183.51 of the Revised** 8040  
**Code, to provide financing of essential functions and facilities.** 8041  
**The property of the authority and its income and operations shall** 8042  
**be exempt from taxation involving the state or by the state and** 8043  
**any political subdivision of the state. All income of the** 8044  
**authority, after the payment of necessary expenses, shall accrue** 8045  
**to the state.** 8046

(B) The authority shall consist of, in each case ex officio, 8047  
the governor, the director of budget and management, the tax 8048  
commissioner, the treasurer of state, and the auditor of state. 8049  
The governor shall serve as the chair of the authority, the 8050  
director of budget and management shall serve as its secretary, 8051  
and the authority shall have such other officers as it determines, 8052  
who may but need not be members of the authority. Four members of 8053  
the authority constitute a quorum and the affirmative vote of four 8054  
members is necessary for any action taken by vote of the 8055  
authority. No vacancy in the membership of the authority shall 8056  
impair the rights of a quorum by such vote to exercise all the 8057  
rights and perform all the duties of the authority. Each of the 8058  
members above identified may designate an employee or officer of 8059  
their office to attend meetings of the authority when that member 8060  
is absent or unable for any reason to attend and that designee, 8061  
when present, shall be counted in determining whether a quorum is 8062  
present at any meeting and may vote and participate in all 8063  
proceedings and actions of the authority. A designee may not 8064  
execute or cause a facsimile signature to be placed on any 8065  
obligation. That designation shall be in writing, executed by the 8066  
designating member, and be filed with the secretary of the 8067  
authority. A designation may be changed from time to time by a 8068  
similar written designation. The authority may delegate to such of 8069  
its members, officers, employees, or staff as it determines those 8070  
powers and duties as it deems appropriate. No member of the 8071  
authority or designee shall, by reason of being or serving as a 8072  
member of the authority, be required to abstain from action in any 8073  
other capacity as an incumbent of a state office or position or 8074  
from any action as a member of the authority in any matter 8075  
affecting or in any way pertaining to both that office or position 8076  
and the authority, or for any purpose be deemed to be disqualified 8077  
from either such office or position or as a member of the 8078  
authority by reason of so acting or to have violated any law by 8079

reason thereof. The authority may adopt and alter bylaws and rules 8080  
for the conduct of its affairs, including provisions for meetings, 8081  
and for the manner in which its powers and functions are to be 8082  
exercised and embodied, and may adopt and alter at will an 8083  
official seal to be affixed to official documents, provided that 8084  
the failure to affix any such seal shall not affect the legality 8085  
of such documents. Members of the authority shall receive no added 8086  
compensation for their services as such members but may be 8087  
reimbursed, as determined by the authority, for their necessary 8088  
and actual expenses incurred in the conduct of the authority's 8089  
business. The office of budget and management shall provide staff 8090  
support to the authority. 8091

Notwithstanding the existence of common management, the 8092  
authority shall be treated and accounted for as a separate and 8093  
independent legal entity with its separate purposes as set forth 8094  
in this section and section 183.51 of the Revised Code. The 8095  
assets, liabilities, and funds of the authority shall not be 8096  
consolidated or commingled with those of the state, and contracts 8097  
entered into by the authority shall be entered into in the name of 8098  
the authority and not in the name of the state. 8099

(C) In connection with the exercise of its powers pursuant to 8100  
this section and section 183.51 of the Revised Code, the authority 8101  
may enter into contracts and execute all instruments necessary or 8102  
incidental to the performance of the issuing authority's duties 8103  
and the execution of the issuing authority's powers and do all 8104  
other acts necessary or proper to the fulfillment of the issuing 8105  
authority's purposes and to carry out the powers expressly granted 8106  
in this section and section 183.51 of the Revised Code. 8107

(D) Unless otherwise provided in Article IV of the Ohio 8108  
Constitution, any action, suit, or special proceeding brought 8109  
against the issuing authority or the state concerning or relating 8110  
to the bond proceedings, section 183.51 of the Revised Code, or 8111

this section, shall be filed and determined in the court of claims 8112  
under Chapter 2743. of the Revised Code. Any special proceeding 8113  
brought against the issuing authority or the state in which the 8114  
court of appeals has original jurisdiction shall be filed and 8115  
determined in the court of appeals of Franklin county. Any such 8116  
action or proceeding to which the issuing authority or the state 8117  
is a party shall be preferred over all other civil causes of 8118  
action or cases, except election causes of action or cases, 8119  
irrespective of position on the calendar. 8120

**Sec. 307.021.** (A) It is hereby declared to be a public 8121  
purpose and function of the state, and a matter of urgent 8122  
necessity, that the state acquire, construct, or renovate capital 8123  
facilities for use as county, multicounty, municipal-county, and 8124  
multicounty-municipal jail facilities or workhouses, as 8125  
single-county or district community-based correctional facilities 8126  
authorized under section 2301.51 of the Revised Code, as minimum 8127  
security misdemeanor jails under sections 341.34 and 753.21 of 8128  
the Revised Code, and as single-county or joint-county juvenile 8129  
facilities authorized under section 2151.65 of the Revised Code in 8130  
order to comply with constitutional standards and laws for the 8131  
incarceration of alleged and convicted offenders against state and 8132  
local laws, and for use as county family court centers. For these 8133  
purposes, counties and municipal corporations are designated as 8134  
state agencies to perform duties of the state in relation to such 8135  
facilities, workhouses, jails, and centers, and such facilities, 8136  
workhouses, jails, and centers are designated as state capital 8137  
facilities. The Ohio building authority is authorized to issue 8138  
revenue obligations under sections 152.09 to 152.33 of the Revised 8139  
Code to pay all or part of the cost of such state capital 8140  
facilities as are designated by law. 8141

The office of the sheriff, due to its responsibilities 8142  
concerning alleged and convicted offenders against state laws, is 8143

designated as the state agency having jurisdiction over such jail, 8144  
workhouse, community-based correctional, or county minimum 8145  
security misdemeanor jail capital facilities in any one county or 8146  
over any district community-based correctional facilities. The 8147  
corrections commission, due to its responsibilities in relation to 8148  
such offenders, is designated as the state agency having 8149  
jurisdiction over any such multicounty, municipal-county, or 8150  
multicounty-municipal jail, workhouse, or correctional capital 8151  
facilities. The office of the chief of police or marshal of a 8152  
municipal corporation, due to its responsibilities concerning 8153  
certain alleged and convicted criminal offenders, is designated as 8154  
the state agency having jurisdiction over any such municipal 8155  
corporation minimum security misdemeanor jail capital facilities 8156  
in the municipal corporation. The juvenile court, as defined in 8157  
section 2151.011 of the Revised Code, is designated as the branch 8158  
of state government having jurisdiction over any such family court 8159  
center or single-county or joint-county juvenile capital 8160  
facilities. It is hereby determined and declared that such capital 8161  
facilities are for the purpose of housing such state agencies, 8162  
their functions, equipment, and personnel. 8163

(B) The capital facilities provided for in this section may 8164  
be included in capital facilities in which one or more 8165  
governmental entities are participating or in which other 8166  
facilities of the county or counties, or any municipal 8167  
corporations, are included pursuant to section 152.31 or 152.33 of 8168  
the Revised Code or in an agreement between any county or counties 8169  
and any municipal corporation or municipal corporations for 8170  
participating in the joint construction, acquisition, or 8171  
improvement of public works, public buildings, or improvements 8172  
benefiting the parties in the same manner as set forth in section 8173  
153.61 of the Revised Code. 8174

(C) A county or counties or a municipal corporation or 8175

municipal corporations may contribute to the cost of capital facilities authorized under this section. 8176  
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(D) A county or counties, and any municipal corporations, shall lease capital facilities described in this section that are constructed, reconstructed, otherwise improved, or financed by the Ohio building authority pursuant to sections 152.09 to 152.33 of the Revised Code for the use of the county or counties and any municipal corporations, and may enter into other agreements ancillary to the construction, reconstruction, improvement, financing, leasing, or operation of such capital facilities, including, but not limited to, any agreements required by the applicable bond proceedings authorized by sections 152.09 to 152.33 of the Revised Code. 8178  
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Such lease may obligate the county or counties and any municipal corporation, as using state agencies under Chapter 152. of the Revised Code, to occupy and operate such capital facilities for such period of time as may be specified by law and to pay such rent as the authority determines to be appropriate. Notwithstanding any other section of the Revised Code, any county or counties or municipal corporation may enter into such a lease, and any such lease is legally sufficient to obligate the political subdivision for the term stated in the lease. Any such lease constitutes an agreement described in division (E) of section 152.24 of the Revised Code. 8189  
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(E) If rental payments required from the county or counties or municipal corporation by a lease established pursuant to this section are not paid in accordance with such lease, the funds which otherwise would be apportioned to the lessees from the county undivided local ~~government~~ communities fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, shall be reduced by the amount of rent payable to the authority. The county treasurer immediately shall pay the amount of such reductions to 8200  
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the authority. 8208

(F) Any lease of capital facilities authorized by this 8209  
section, the rentals of which are payable in whole or in part from 8210  
appropriations made by the general assembly, is governed by 8211  
division (D) of section 152.24 of the Revised Code. Such rentals 8212  
constitute available receipts as defined in section 152.09 of the 8213  
Revised Code and may be pledged for the payment of bond service 8214  
charges as provided in section 152.10 of the Revised Code. 8215

(G) Any provision of section 152.21, 152.22, or 152.26 of the 8216  
Revised Code that applies to buildings and facilities described in 8217  
section 152.19 of the Revised Code also applies to the buildings 8218  
and facilities described in this section, unless it is 8219  
inconsistent with this section. 8220

**Sec. 307.37.** (A) As used in division (B)(3) of this section, 8221  
"proposed new construction" means a proposal to erect, construct, 8222  
repair, alter, redevelop, or maintain a single-family, two-family, 8223  
or three-family dwelling or any structure that is regulated by the 8224  
Ohio building code. 8225

(B)(1)(a) The board of county commissioners may adopt local 8226  
residential building regulations governing residential buildings 8227  
as defined in section 3781.06 of the Revised Code, to be enforced 8228  
within the unincorporated area of the county or within districts 8229  
the board establishes in any part of the unincorporated area. No 8230  
local residential building regulation shall differ from the state 8231  
residential building code the board of building standards 8232  
establishes pursuant to Chapter 3781. of the Revised Code unless 8233  
the regulation addresses subject matter not addressed by the state 8234  
residential building code or is adopted pursuant to section 8235  
3781.01 of the Revised Code. 8236

(b) The board of county commissioners may, by resolution, 8237  
adopt, administer, and enforce within the unincorporated area of 8238

the county, or within districts the board establishes in the 8239  
unincorporated area, an existing structures code pertaining to the 8240  
repair and continued maintenance of structures and the premises of 8241  
those structures provided that the existing structures code 8242  
governs subject matter not addressed by, and is not in conflict 8243  
with, the state residential building code adopted pursuant to 8244  
Chapter 3781. of the Revised Code. The board may adopt by 8245  
incorporation by reference a model or standard code prepared and 8246  
promulgated by the state, any agency of this state, or any private 8247  
organization that publishes a recognized or standard existing 8248  
structures code. 8249

(c) The board shall assign the duties of administering and 8250  
enforcing any local residential building regulations or existing 8251  
structures code to a county officer or employee who is trained and 8252  
qualified for those duties and shall establish by resolution the 8253  
minimum qualifications necessary to perform those duties. 8254

(2) The board may adopt regulations for participation in the 8255  
national flood insurance program as defined in section 1521.01 of 8256  
the Revised Code and regulations for the purposes of section 8257  
1506.04 or 1506.07 of the Revised Code governing the prohibition, 8258  
location, erection, construction, redevelopment, or floodproofing 8259  
of new buildings or structures, substantial improvements to 8260  
existing buildings or structures, or other development in 8261  
unincorporated territory within flood hazard areas identified 8262  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 8263  
42 U.S.C.A. 4002, as amended, or within Lake Erie coastal erosion 8264  
areas identified under section 1506.06 of the Revised Code, 8265  
including, but not limited to, residential, commercial, 8266  
institutional, or industrial buildings or structures or other 8267  
permanent structures, as defined in section 1506.01 of the Revised 8268  
Code. Rules adopted under division (B)(2) of this section shall 8269  
not conflict with the state residential and nonresidential 8270

building codes adopted pursuant to section 3781.10 of the Revised Code. 8271  
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(3)(a) A board may adopt regulations that provide for a review of the specific effects of a proposed new construction on existing surface or subsurface drainage. The regulations may require reasonable drainage mitigation and reasonable alteration of a proposed new construction before a building permit is issued in order to prevent or correct any adverse effects that the proposed new construction may have on existing surface or subsurface drainage. The regulations shall not be inconsistent with, more stringent than, or broader in scope than standards adopted by the natural resource conservation service in the United States department of agriculture concerning drainage or rules adopted by the environmental protection agency for reducing, controlling, or mitigating storm water runoff from construction sites, where applicable. The regulations shall allow a person who is registered under Chapter 4703. or 4733. of the Revised Code to prepare and submit relevant plans and other documents for review, provided that the person is authorized to prepare the plans and other documents pursuant to the person's registration. 8273  
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(b) If regulations are adopted under division (B)(3) of this section, the board shall specify in the regulations a procedure for the review of the specific effects of a proposed new construction on existing surface or subsurface drainage. The procedure shall include at a minimum all of the following: 8291  
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(i) A meeting at which the proposed new construction shall be examined for those specific effects. The meeting shall be held within thirty days after an application for a building permit is filed or a review is requested unless the applicant agrees in writing to extend that time period or to postpone the meeting to another date, time, or place. The meeting shall be scheduled within five days after an application for a building permit is 8296  
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filed or a review is requested. 8303

(ii) Written notice of the date, time, and place of that 8304  
meeting, sent by regular mail to the applicant. The written notice 8305  
shall be mailed at least seven days before the scheduled meeting 8306  
date. 8307

(iii) Completion of the review by the board of county 8308  
commissioners not later than thirty days after the application for 8309  
a building permit is filed or a review is requested unless the 8310  
applicant has agreed in writing to extend that time period or 8311  
postpone the meeting to a later time, in which case the review 8312  
shall be completed not later than two days after the date of the 8313  
meeting. A complete review shall include the issuance of any order 8314  
of the board of county commissioners regarding necessary 8315  
reasonable drainage mitigation and necessary reasonable 8316  
alterations to the proposed new construction to prevent or correct 8317  
any adverse effects on existing surface or subsurface drainage so 8318  
long as those alterations comply with the state residential and 8319  
nonresidential building codes adopted pursuant to section 3781.10 8320  
of the Revised Code. If the review is not completed within the 8321  
thirty-day period or an extended or postponed period that the 8322  
applicant has agreed to, the proposed new construction shall be 8323  
deemed to have no adverse effects on existing surface or 8324  
subsurface drainage, and those effects shall not be a valid basis 8325  
for the denial of a building permit. 8326

(iv) A written statement, provided to the applicant at the 8327  
meeting or in an order for alterations to a proposed new 8328  
construction, informing the applicant of the right to seek 8329  
appellate review of the denial of a building permit under division 8330  
(B)(3)(b)(iii) of this section by filing a petition in accordance 8331  
with Chapter 2506. of the Revised Code. 8332

(c) The regulations may authorize the board, after obtaining 8333  
the advice of the county engineer, to enter into an agreement with 8334

the county engineer or another qualified person or entity to carry 8335  
out any necessary inspections and make evaluations about what, if 8336  
any, alterations are necessary to prevent or correct any adverse 8337  
effects that a proposed new construction may have on existing 8338  
surface or subsurface drainage. 8339

(d) Regulations adopted pursuant to division (B)(3) of this 8340  
section shall not apply to any property that a platting authority 8341  
has approved under section 711.05, 711.09, or 711.10 of the 8342  
Revised Code and shall not govern the same subject matter as the 8343  
state residential or nonresidential building codes adopted 8344  
pursuant to section 3781.10 of the Revised Code. 8345

(e) As used in division (B)(3) of this section, "subsurface 8346  
drainage" does not include a household sewage ~~treatment~~ disposal 8347  
system as defined in section 3709.091 of the Revised Code. 8348

(C)(1) Any regulation, code, or amendment may be adopted 8349  
under this section only after a public hearing at not fewer than 8350  
two regular or special sessions of the board. The board shall 8351  
cause notice of any public hearing to be published in a newspaper 8352  
of general circulation in the county once a week for the two 8353  
consecutive weeks immediately preceding the hearing, except that 8354  
if the board posts the hearing notice on the board's internet site 8355  
on the world wide web, the board need publish only one notice of 8356  
the hearing in a newspaper of general circulation if that 8357  
newspaper notice includes the board's internet site and a 8358  
statement that the notice is also posted on the internet site. Any 8359  
notice of a public hearing shall include the time, date, and place 8360  
of the hearing. 8361

(2) Any proposed regulation, code, or amendment shall be made 8362  
available to the public at the board office. The regulations or 8363  
amendments shall take effect on the thirty-first day following the 8364  
date of their adoption. 8365

(D)(1) No person shall violate any regulation, code, or amendment the board adopts under sections 307.37 to 307.40 of the Revised Code.

(2) Each day during which an illegal location, erection, construction, floodproofing, repair, alteration, development, redevelopment, or maintenance continues may be considered a separate offense.

(E) Regulations or amendments the board adopts pursuant to this section, with the exception of an existing structures code, do not affect buildings or structures that exist or on which construction has begun on or before the date the board adopts the regulation or amendment.

(F)(1) The board may create a building department and employ the personnel it determines necessary to administer and enforce any local residential building regulations or existing structures code the board adopts pursuant to this section. The building department may enforce the state residential and nonresidential building codes adopted pursuant to Chapter 3781. of the Revised Code if the building department is certified pursuant to section 3781.10 of the Revised Code to enforce those codes.

(2) The board may direct the building department, upon certification, to exercise enforcement authority and to accept and approve plans pursuant to sections 3781.03 and 3791.04 of the Revised Code for the class of building for which the department and personnel are certified.

**Sec. 307.695.** (A) As used in this section:

(1) "Arena" means any structure designed and constructed for the purpose of providing a venue for public entertainment and recreation by the presentation of concerts, sporting and athletic events, and other events and exhibitions, including facilities

intended to house or provide a site for one or more athletic or 8396  
sports teams or activities, spectator facilities, parking 8397  
facilities, walkways, and auxiliary facilities, real and personal 8398  
property, property rights, easements, leasehold estates, and 8399  
interests that may be appropriate for, or used in connection with, 8400  
the operation of the arena. 8401

(2) "Convention center" means any structure expressly 8402  
designed and constructed for the purposes of presenting 8403  
conventions, public meetings, and exhibitions and includes parking 8404  
facilities that serve the center and any personal property used in 8405  
connection with any such structure or facilities. 8406

(3) "Eligible county" means a county having a population of 8407  
at least four hundred thousand but not more than eight hundred 8408  
thousand according to the 2000 federal decennial census and that 8409  
directly borders the geographic boundaries of another state. 8410

(4) "Entity" means a nonprofit corporation, a municipal 8411  
corporation, a port authority created under Chapter 4582. of the 8412  
Revised Code, or a convention facilities authority created under 8413  
Chapter 351. of the Revised Code. 8414

(5) "Lodging taxes" means excise taxes levied under division 8415  
(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 8416  
the revenues arising therefrom. 8417

(6) "Nonprofit corporation" means a nonprofit corporation 8418  
that is organized under the laws of this state and that includes 8419  
within the purposes for which it is incorporated the authorization 8420  
to lease and operate facilities such as a convention center or an 8421  
arena or a combination of an arena and convention center. 8422

(7) "Project" means acquiring, constructing, reconstructing, 8423  
renovating, rehabilitating, expanding, adding to, equipping, 8424  
furnishing or otherwise improving an arena, a convention center, 8425  
or a combination of an arena and convention center. For purposes 8426

of this section, a project is a permanent improvement for one 8427  
purpose under Chapter 133. of the Revised Code. 8428

(8) "Project revenues" means money received by ~~an eligible a~~ 8429  
county with a population of four hundred thousand or more, other 8430  
than money from taxes or from the proceeds of securities secured 8431  
by taxes, in connection with, derived from, related to, or 8432  
resulting from a project, including, but not limited to, rentals 8433  
and other payments received under a lease or agreement with 8434  
respect to the project, ticket charges or surcharges for admission 8435  
to events at a project, charges or surcharges for parking for 8436  
events at a project, charges for the use of a project or any 8437  
portion of a project, including suites and seating rights, the 8438  
sale of naming rights for the project or a portion of the project, 8439  
unexpended proceeds of any county revenue bonds issued for the 8440  
project, and any income and profit from the investment of the 8441  
proceeds of any such revenue bonds or any project revenues. 8442

(9) "Chapter 133. securities," "debt charges," "general 8443  
obligation," "legislation," "one purpose," "outstanding," 8444  
"permanent improvement," "person," and "securities" have the 8445  
meanings given to those terms in section 133.01 of the Revised 8446  
Code. 8447

(B) A board of county commissioners may enter into an 8448  
agreement with a convention and visitors' bureau operating in the 8449  
county under which: 8450

(1) The bureau agrees to construct and equip a convention 8451  
center in the county and to pledge and contribute from the tax 8452  
revenues received by it under division (A) of section 5739.09 of 8453  
the Revised Code, not more than such portion thereof that it is 8454  
authorized to pledge and contribute for the purpose described in 8455  
division (C) of this section; and 8456

(2) The board agrees to levy a tax under division (C) of 8457

section 5739.09 of the Revised Code and pledge and contribute the 8458  
revenues therefrom for the purpose described in division (C) of 8459  
this section. 8460

(C) The purpose of the pledges and contributions described in 8461  
divisions (B)(1) and (2) of this section is payment of principal, 8462  
interest, and premium, if any, on bonds and notes issued by or for 8463  
the benefit of the bureau to finance the construction and 8464  
equipping of a convention center. The pledges and contributions 8465  
provided for in the agreement shall be for the period stated in 8466  
the agreement. Revenues determined from time to time by the board 8467  
to be needed to cover the real and actual costs of administering 8468  
the tax imposed by division (C) of section 5739.09 of the Revised 8469  
Code may not be pledged or contributed. The agreement shall 8470  
provide that any such bonds and notes shall be secured by a trust 8471  
agreement between the bureau or other issuer acting for the 8472  
benefit of the bureau and a corporate trustee that is a trust 8473  
company or bank having the powers of a trust company within or 8474  
without the state, and the trust agreement shall pledge or assign 8475  
to the retirement of the bonds or notes, all moneys paid by the 8476  
county under this section. A tax the revenues from which are 8477  
pledged under an agreement entered into by a board of county 8478  
commissioners under this section shall not be subject to 8479  
diminution by initiative or referendum, or diminution by statute, 8480  
unless provision is made therein for an adequate substitute 8481  
therefor reasonably satisfactory to the trustee under the trust 8482  
agreement that secures the bonds and notes. 8483

(D) A pledge of money by a county under division (B) of this 8484  
section shall not be indebtedness of the county for purposes of 8485  
Chapter 133. of the Revised Code. 8486

(E) If the terms of the agreement so provide, the board of 8487  
county commissioners may acquire and lease real property to the 8488  
convention bureau as the site of the convention center. The lease 8489

shall be on such terms as are set forth in the agreement. The 8490  
purchase and lease are not subject to the limitations of sections 8491  
307.02 and 307.09 of the Revised Code. 8492

(F) In addition to the authority granted to a board of county 8493  
commissioners under divisions (B) to (E) of this section, a board 8494  
of county commissioners in a county with a population of one 8495  
million two hundred thousand or more, or a county with a 8496  
population greater than four hundred thousand but less than five 8497  
hundred thousand, may establish and provide local funding options 8498  
for constructing and equipping a convention center. 8499

(G) The board of county commissioners of ~~an eligible~~ a county 8500  
with a population of four hundred thousand or more may undertake, 8501  
finance, operate, and maintain a project. The board may lease a 8502  
project to an entity on terms that the board determines to be in 8503  
the best interest of the county and in furtherance of the public 8504  
purpose of the project; the lease may be for a term of thirty-five 8505  
years or less and may provide for an option of the entity to renew 8506  
the lease for a term of thirty-five years or less. The board may 8507  
enter into an agreement with an entity with respect to a project 8508  
on terms that the board determines to be in the best interest of 8509  
the county and in furtherance of the public purpose of the 8510  
project. To the extent provided for in an agreement or a lease 8511  
with an entity, the board may authorize the entity to administer 8512  
on behalf of the board any contracts for the project. The board 8513  
may enter into an agreement providing for the sale to a person of 8514  
naming rights to a project or portion of a project, for a period, 8515  
for consideration, and on other terms and conditions that the 8516  
board determines to be in the best interest of the county and in 8517  
furtherance of the public purpose of the project. The board may 8518  
enter into an agreement with a person owning or operating a 8519  
professional athletic or sports team providing for the use by that 8520  
person of a project or portion of a project for that team's 8521

offices, training, practices, and home games for a period, for 8522  
consideration, and on other terms and conditions that the board 8523  
determines to be in the best interest of the county and in 8524  
furtherance of the public purpose of the project. The board may 8525  
establish ticket charges or surcharges for admission to events at 8526  
a project, charges or surcharges for parking for events at a 8527  
project, and charges for the use of a project or any portion of a 8528  
project, including suites and seating rights, and may, as 8529  
necessary, enter into agreements related thereto with persons for 8530  
a period, for consideration, and on other terms and conditions 8531  
that the board determines to be in the best interest of the county 8532  
and in furtherance of the public purpose of the project. A lease 8533  
or agreement authorized by this division is not subject to 8534  
sections 307.02, 307.09, and 307.12 of the Revised Code. 8535

(H) Notwithstanding any contrary provision in Chapter 5739. 8536  
of the Revised Code, after adopting a resolution declaring it to 8537  
be in the best interest of the county to undertake a project as 8538  
described in division (G) of this section, the board of county 8539  
commissioners of an eligible county may adopt a resolution 8540  
enacting or increasing any lodging taxes within the limits 8541  
specified in Chapter 5739. of the Revised Code with respect to 8542  
those lodging taxes and amending any prior resolution under which 8543  
any of its lodging taxes have been imposed in order to provide 8544  
that those taxes, after deducting the real and actual costs of 8545  
administering the taxes and any portion of the taxes returned to 8546  
any municipal corporation or township as provided in division 8547  
(A)(1) of section 5739.09 of the Revised Code, shall be used by 8548  
the board for the purposes of undertaking, financing, operating, 8549  
and maintaining the project, including paying debt charges on any 8550  
securities issued by the board under division (I) of this section, 8551  
or to make contributions to the convention and visitors' bureau 8552  
operating within the county, or to promote, advertise, and market 8553  
the region in which the county is located, all as the board may 8554

determine and make appropriations for from time to time, subject 8555  
to the terms of any pledge to the payment of debt charges on 8556  
outstanding general obligation securities or special obligation 8557  
securities authorized under division (I) of this section. A 8558  
resolution adopted under division (H) of this section shall be 8559  
adopted not earlier than January 15, 2007, and not later than 8560  
January 15, 2008. 8561

A resolution adopted under division (H) of this section may 8562  
direct the board of elections to submit the question of enacting 8563  
or increasing lodging taxes, as the case may be, to the electors 8564  
of the county at a special election held on the date specified by 8565  
the board in the resolution, provided that the election occurs not 8566  
less than seventy-five days after a certified copy of the 8567  
resolution is transmitted to the board of elections and no later 8568  
than January 15, 2008. A resolution submitted to the electors 8569  
under this division shall not go into effect unless it is approved 8570  
by a majority of those voting upon it. A resolution adopted under 8571  
division (H) of this section that is not submitted to the electors 8572  
of the county for their approval or disapproval is subject to a 8573  
referendum as provided in sections 305.31 to 305.41 of the Revised 8574  
Code. 8575

A resolution adopted under division (H) of this section takes 8576  
effect upon its adoption, unless the resolution is submitted to 8577  
the electors of the county for their approval or disapproval, in 8578  
which case the resolution takes effect on the date the board of 8579  
county commissioners receives notification from the board of 8580  
elections of the affirmative vote. Lodging taxes received after 8581  
the effective date of the resolution may be used for the purposes 8582  
described in division (H) of this section, except that lodging 8583  
taxes that have been pledged to the payment of debt charges on any 8584  
bonds or notes issued by or for the benefit of a convention and 8585  
visitors' bureau under division (C) of this section shall be used 8586

exclusively for that purpose until such time as the bonds or notes 8587  
are no longer outstanding under the trust agreement securing those 8588  
bonds or notes. 8589

(I)(1) The board of county commissioners of ~~an eligible a~~ 8590  
county with a population of four hundred thousand or more may 8591  
issue the following securities of the county for the purpose of 8592  
paying costs of the project, refunding any outstanding county 8593  
securities issued for that purpose, refunding any outstanding 8594  
bonds or notes issued by or for the benefit of the bureau under 8595  
division (C) of this section, or for any combination of those 8596  
purposes: 8597

(a) General obligation securities issued under Chapter 133. 8598  
of the Revised Code. The resolution authorizing these securities 8599  
may include covenants to appropriate annually from lawfully 8600  
available lodging taxes, and to continue to levy and collect those 8601  
lodging taxes in, amounts necessary to meet the debt charges on 8602  
those securities. 8603

(b) Special obligation securities issued under Chapter 133. 8604  
of the Revised Code that are secured only by lawfully available 8605  
lodging taxes and any other taxes and revenues pledged to pay the 8606  
debt charges on those securities, except ad valorem property 8607  
taxes. The resolution authorizing those securities shall include a 8608  
pledge of and covenants to appropriate annually from lawfully 8609  
available lodging taxes and any other taxes and revenues pledged 8610  
for such purpose, and to continue to collect any of those revenues 8611  
pledged for such purpose and to levy and collect those lodging 8612  
taxes and any other taxes pledged for such purpose, in amounts 8613  
necessary to meet the debt charges on those securities. The pledge 8614  
is valid and binding from the time the pledge is made, and the 8615  
lodging taxes so pledged and thereafter received by the county are 8616  
immediately subject to the lien of the pledge without any physical 8617  
delivery of the lodging taxes or further act. The lien of any 8618

pledge is valid and binding as against all parties having claims 8619  
of any kind in tort, contract, or otherwise against the county, 8620  
regardless of whether such parties have notice of the lien. 8621  
Neither the resolution nor any trust agreement by which a pledge 8622  
is created or further evidenced is required to be filed or 8623  
recorded except in the records of the board. The special 8624  
obligation securities shall contain a statement on their face to 8625  
the effect that they are not general obligation securities, and, 8626  
unless paid from other sources, are payable from the pledged 8627  
lodging taxes. 8628

(c) Revenue securities authorized under section 133.08 of the 8629  
Revised Code and issued under Chapter 133. of the Revised Code 8630  
that are secured only by lawfully available project revenues 8631  
pledged to pay the debt charges on those securities. 8632

(2) The securities described in division (I)(1) of this 8633  
section are subject to Chapter 133. of the Revised Code. 8634

(3) Section 133.34 of the Revised Code, except for division 8635  
(A) of that section, applies to the issuance of any refunding 8636  
securities authorized under this division. In lieu of division (A) 8637  
of section 133.34 of the Revised Code, the board of county 8638  
commissioners shall establish the maturity date or dates, the 8639  
interest payable on, and other terms of refunding securities as it 8640  
considers necessary or appropriate for their issuance, provided 8641  
that the final maturity of refunding securities shall not exceed 8642  
by more than ten years the final maturity of any bonds refunded by 8643  
refunding securities. 8644

(4) The board may not repeal, rescind, or reduce all or any 8645  
portion of any lodging taxes pledged to the payment of debt 8646  
charges on any outstanding special obligation securities 8647  
authorized under this division, and no portion of any lodging 8648  
taxes that is pledged, or that the board has covenanted to levy, 8649  
collect, and appropriate annually to pay debt charges on any 8650

outstanding securities authorized under this division is subject 8651  
to repeal, rescission, or reduction by the electorate of the 8652  
county. 8653

**Sec. 307.6910.** (A) As used in this section, "contracting 8654  
subdivision" means any political subdivision or taxing district 8655  
that enters into an agreement with a board of county commissioners 8656  
as authorized by this section. 8657

(B) A board of county commissioners may enter into an 8658  
agreement with the legislative authority of one or more political 8659  
subdivisions or taxing districts located wholly or partially 8660  
within the territorial boundaries of the county providing for both 8661  
of the following: 8662

(1) Authorization for the board of county commissioners to 8663  
receive funds due the political subdivision or taxing district 8664  
from the county treasury, other than funds raised by taxes levied 8665  
by the political subdivision or taxing district, including, but 8666  
not limited to, the political subdivision's or taxing district's 8667  
share of the undivided local ~~government~~ communities fund, provided 8668  
those received funds may lawfully be applied to the purpose for 8669  
which money is owed to the county; 8670

(2) The crediting of the funds so received by the county 8671  
against money owed to it by the political subdivision or taxing 8672  
district. 8673

The agreement shall be in writing and include the signature 8674  
of an authorized officer or representative of the county and of 8675  
the political subdivision or taxing district. 8676

(C) Upon entering into an agreement, the board of county 8677  
commissioners shall cause two copies of the agreement, certified 8678  
by an authorized officer or representative of the county and of 8679  
the contracting subdivision, to be transmitted to the county 8680

auditor. The county auditor shall forward one copy of the 8681  
agreement to the county treasurer and shall present the other copy 8682  
of the agreement to the county budget commission. The county 8683  
budget commission shall give effect to the agreement in 8684  
determining or revising the amounts to be credited to the funds of 8685  
the county and the contracting subdivision in the official or 8686  
amended official certificate of estimated resources under sections 8687  
5705.35 and 5705.36 of the Revised Code. 8688

(D) The county auditor may rely on the certified agreement 8689  
entered into under division (B) of this section for the purpose of 8690  
making a certification under division (D) of section 5705.41 of 8691  
the Revised Code for a county contract or order of money incurred 8692  
on behalf of the contracting subdivision if the county auditor 8693  
finds that the amount credited to the county under division (B)(2) 8694  
of this section is available in the amount and at the time 8695  
necessary to meet the obligation. 8696

(E) The county auditor and county treasurer, in carrying out 8697  
their statutory duties regarding the crediting and distribution of 8698  
money to the funds of the parties to agreements entered into under 8699  
this section, shall give effect to any such agreements certified 8700  
to the county auditor under this section. A certified agreement 8701  
shall not affect the time at which moneys otherwise would be 8702  
available by law to the parties to the agreement. 8703

(F) The terms of an agreement entered into under this section 8704  
may be enforced in the court of common pleas of the county that is 8705  
a party to the agreement in an action for a writ of mandamus. For 8706  
purposes of that action, it shall be deemed that the legislative 8707  
authority of the contracting subdivision has a duty to allow 8708  
payments to the county as specified in the agreement, that the 8709  
board of county commissioners of the county has a duty to receive 8710  
those payments in the manner specified in the agreement, and that 8711  
those duties are specifically enjoined by law and result from an 8712

office, trust, or station. 8713

**Sec. 307.98.** ~~Boards~~ As used in this section, "county grantee" 8714  
has the same meaning as in section 5101.21 of the Revised Code. 8715  
8716

Each board of county commissioners ~~may~~ and each other county 8717  
grantee of the county shall jointly enter into one or more written 8718  
~~fiscal grant~~ agreements with the director of job and family 8719  
services in accordance with section 5101.21 of the Revised Code. 8720  
~~If a board enters into a fiscal agreement, the~~ The board of county 8721  
commissioners shall enter into the agreement on behalf of the 8722  
county family services agencies, other than a county family 8723  
services agency that is a county ~~signer as defined in section~~ 8724  
~~5101.21 of the Revised Code~~ grantee. 8725

**Sec. 307.981.** (A)(1) As used in the Revised Code: 8726

(a) "County family services agency" means all of the 8727  
following: 8728

(i) A child support enforcement agency; 8729

(ii) A county department of job and family services; 8730

(iii) A public children services agency. 8731

(b) "Family services duty" means a duty state law requires or 8732  
allows a county family services agency to assume, including 8733  
financial and general administrative duties. "Family services 8734  
duty" does not include a duty funded by the United States 8735  
department of labor. 8736

(2) As used in sections 307.981 to 307.989 of the Revised 8737  
Code, "private entity" means an entity other than a government 8738  
entity. 8739

(B) To the extent permitted by federal law, including, when 8740  
applicable, subpart F of 5 C.F.R. part 900, and subject to any 8741

limitations established by the Revised Code, including division 8742  
(H) of this section, a board of county commissioners may designate 8743  
any private or government entity within this state to serve as any 8744  
of the following: 8745

(1) A child support enforcement agency; 8746

(2) A county department of job and family services; 8747

(3) A public children services agency; 8748

(4) A county department of job and family services and one 8749  
other of those county family services agencies; 8750

(5) All three of those county family services agencies. 8751

(C) To the extent permitted by federal law, including, when 8752  
applicable, subpart F of 5 C.F.R. part 900, and subject to any 8753  
limitations of the Revised Code, including division (H) of this 8754  
section, a board of county commissioners may change the 8755  
designation it makes under division (B) of this section by 8756  
designating another private or government entity. 8757

(D) If a designation under division (B) or (C) of this 8758  
section constitutes a change from the designation in a ~~fiscal~~ 8759  
grant agreement between the director of job and family services 8760  
and the board under sections 307.98 and 5101.21 of the Revised 8761  
Code, the director may require that the director and board amend 8762  
the ~~fiscal~~ grant agreement and that the board provide the director 8763  
written assurances that the newly designated private or government 8764  
entity will meet or exceed all requirements of the family services 8765  
duties the entity is to assume. 8766

(E) Not less than sixty days before a board of county 8767  
commissioners designates an entity under division (B) or (C) of 8768  
this section, the board shall notify the director of job and 8769  
family services and publish notice in a newspaper of general 8770  
circulation in the county of the board's intention to make the 8771

designation and reasons for the designation. 8772

(F) A board of county commissioners shall enter into a 8773  
written contract with each entity it designates under division (B) 8774  
or (C) of this section specifying the entity's responsibilities 8775  
and standards the entity is required to meet. 8776

(G) This section does not require a board of county 8777  
commissioners to abolish the child support enforcement agency, 8778  
county department of job and family services, or public children 8779  
services agency serving the county on October 1, 1997, and 8780  
designate a different private or government entity to serve as the 8781  
county's child support enforcement agency, county department of 8782  
job and family services, or public children services agency. 8783

(H) If a county children services board appointed under 8784  
section 5153.03 of the Revised Code serves as a public children 8785  
services agency for a county, the board of county commissioners 8786  
may not redesignate the public children services agency unless the 8787  
board of county commissioners does all of the following: 8788

(1) Notifies the county children services board of its intent 8789  
to redesignate the public children services agency. In its 8790  
notification, the board of county commissioners shall provide the 8791  
county children services board a written explanation of the 8792  
administrative, fiscal, or performance considerations causing the 8793  
board of county commissioners to seek to redesignate the public 8794  
children services agency. 8795

(2) Provides the county children services board an 8796  
opportunity to comment on the proposed redesignation before the 8797  
redesignation occurs; 8798

(3) If the county children services board, not more than 8799  
sixty days after receiving the notice under division (H)(1) of 8800  
this section, notifies the board of county commissioners that the 8801  
county children services board has voted to oppose the 8802

redesignation, votes unanimously to proceed with the 8803  
redesignation. 8804

**Sec. 308.04.** Within sixty days after a regional airport 8805  
authority has been created under section 308.03 of the Revised 8806  
Code, the board of trustees for such regional airport authority 8807  
shall be appointed as provided in the resolution creating it. 8808

Each member of the board of trustees, before entering upon 8809  
~~his~~ the member's official duties, shall take and subscribe to an 8810  
oath or affirmation that ~~he~~ the member will honestly, faithfully, 8811  
and impartially perform the duties of ~~his~~ office, and that ~~he~~ the 8812  
member will not be interested directly or indirectly in any 8813  
contract let by the regional airport authority. Any contract let 8814  
by the regional airport authority in which a member of the board 8815  
of trustees is directly or indirectly interested is void and 8816  
unenforceable. 8817

After each member of the board has taken the oath as 8818  
prescribed by this section the board shall meet and organize by 8819  
electing one of its members as president and another as 8820  
vice-president, who shall hold their respective offices until the 8821  
next annual meeting of the board as provided in its bylaws. At 8822  
each annual meeting thereafter the board shall elect from its 8823  
membership a president and a vice-president who shall serve for a 8824  
term of one year. 8825

The board shall appoint and fix the compensation of a 8826  
secretary-treasurer, who shall not be a member of the board and 8827  
who shall serve at the pleasure of the board. 8828

**Sec. 317.08.** (A) Except as provided in divisions (C) and (D) 8829  
of this section, the county recorder shall keep six separate sets 8830  
of records as follows: 8831

(1) A record of deeds, in which shall be recorded all deeds 8832

and other instruments of writing for the absolute and 8833  
unconditional sale or conveyance of lands, tenements, and 8834  
hereditaments; all notices as provided in sections 5301.47 to 8835  
5301.56 of the Revised Code; all judgments or decrees in actions 8836  
brought under section 5303.01 of the Revised Code; all 8837  
declarations and bylaws, and all amendments to declarations and 8838  
bylaws, as provided in Chapter 5311. of the Revised Code; 8839  
affidavits as provided in sections 5301.252 and 5301.56 of the 8840  
Revised Code; all certificates as provided in section 5311.17 of 8841  
the Revised Code; all articles dedicating archaeological preserves 8842  
accepted by the director of the Ohio historical society under 8843  
section 149.52 of the Revised Code; all articles dedicating nature 8844  
preserves accepted by the director of natural resources under 8845  
section 1517.05 of the Revised Code; all agreements for the 8846  
registration of lands as archaeological or historic landmarks 8847  
under section 149.51 or 149.55 of the Revised Code; all 8848  
conveyances of conservation easements and agricultural easements 8849  
under section 5301.68 of the Revised Code; all instruments 8850  
extinguishing agricultural easements under section 901.21 or 8851  
5301.691 of the Revised Code or pursuant to terms of such an 8852  
easement granted to a charitable organization under section 8853  
5301.68 of the Revised Code; all instruments or orders described 8854  
in division (B)(2)(b) of section 5301.56 of the Revised Code; all 8855  
no further action letters issued under section 122.654 or 3746.11 8856  
of the Revised Code; all covenants not to sue issued under section 8857  
3746.12 of the Revised Code, including all covenants not to sue 8858  
issued pursuant to section 122.654 of the Revised Code; any 8859  
restrictions on the use of property contained in a no further 8860  
action letter issued under section 122.654 of the Revised Code, 8861  
any restrictions on the use of property identified pursuant to 8862  
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 8863  
restrictions on the use of property contained in a deed or other 8864  
instrument as provided in division (E) or (F) of section 3737.882 8865

of the Revised Code; any easement executed or granted under 8866  
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 8867  
any environmental covenant entered into in accordance with 8868  
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 8869  
trust, as described in division (A) of section 5301.255 of the 8870  
Revised Code, that describe specific real property; and all 8871  
agreements entered into under division (A) of section ~~1521.26~~ 8872  
1506.44 of the Revised Code; 8873

(2) A record of mortgages, in which shall be recorded all of 8874  
the following: 8875

(a) All mortgages, including amendments, supplements, 8876  
modifications, and extensions of mortgages, or other instruments 8877  
of writing by which lands, tenements, or hereditaments are or may 8878  
be mortgaged or otherwise conditionally sold, conveyed, affected, 8879  
or encumbered; 8880

(b) All executory installment contracts for the sale of land 8881  
executed after September 29, 1961, that by their terms are not 8882  
required to be fully performed by one or more of the parties to 8883  
them within one year of the date of the contracts; 8884

(c) All options to purchase real estate, including 8885  
supplements, modifications, and amendments of the options, but no 8886  
option of that nature shall be recorded if it does not state a 8887  
specific day and year of expiration of its validity; 8888

(d) Any tax certificate sold under section 5721.33 of the 8889  
Revised Code, or memorandum of it, that is presented for filing of 8890  
record. 8891

(3) A record of powers of attorney, including all memoranda 8892  
of trust, as described in division (A) of section 5301.255 of the 8893  
Revised Code, that do not describe specific real property; 8894

(4) A record of plats, in which shall be recorded all plats 8895  
and maps of town lots, of the subdivision of town lots, and of 8896

other divisions or surveys of lands, any center line survey of a highway located within the county, the plat of which shall be furnished by the director of transportation or county engineer, and all drawings and amendments to drawings, as provided in Chapter 5311. of the Revised Code;

(5) A record of leases, in which shall be recorded all leases, memoranda of leases, and supplements, modifications, and amendments of leases and memoranda of leases;

(6) A record of declarations executed pursuant to section 2133.02 of the Revised Code and durable powers of attorney for health care executed pursuant to section 1337.12 of the Revised Code.

(B) All instruments or memoranda of instruments entitled to record shall be recorded in the proper record in the order in which they are presented for record. The recorder may index, keep, and record in one volume unemployment compensation liens, internal revenue tax liens and other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code, personal tax liens, mechanic's liens, agricultural product liens, notices of liens, certificates of satisfaction or partial release of estate tax liens, discharges of recognizances, excise and franchise tax liens on corporations, broker's liens, and liens provided for in sections 1513.33, 1513.37, 3752.13, 5111.022, and 5311.18 of the Revised Code.

The recording of an option to purchase real estate, including any supplement, modification, and amendment of the option, under this section shall serve as notice to any purchaser of an interest in the real estate covered by the option only during the period of the validity of the option as stated in the option.

(C) In lieu of keeping the six separate sets of records required in divisions (A)(1) to (6) of this section and the

records required in division (D) of this section, a county 8928  
recorder may record all the instruments required to be recorded by 8929  
this section in two separate sets of record books. One set shall 8930  
be called the "official records" and shall contain the instruments 8931  
listed in divisions (A)(1), (2), (3), (5), and (6) and (D) of this 8932  
section. The second set of records shall contain the instruments 8933  
listed in division (A)(4) of this section. 8934

(D) Except as provided in division (C) of this section, the 8935  
county recorder shall keep a separate set of records containing 8936  
all corrupt activity lien notices filed with the recorder pursuant 8937  
to section 2923.36 of the Revised Code and a separate set of 8938  
records containing all medicaid fraud lien notices filed with the 8939  
recorder pursuant to section 2933.75 of the Revised Code. 8940

**Sec. 319.202.** Before the county auditor indorses any real 8941  
property conveyance or manufactured or mobile home conveyance 8942  
presented to the auditor pursuant to section 319.20 of the Revised 8943  
Code or registers any manufactured or mobile home conveyance 8944  
pursuant to section 4503.061 of the Revised Code, the grantee or 8945  
the grantee's representative shall submit in triplicate a 8946  
statement, prescribed by the tax commissioner, and other 8947  
information as the county auditor may require, declaring the value 8948  
of real property or manufactured or mobile home conveyed, except 8949  
that when the transfer is exempt under division ~~(F)~~(G)(3) of 8950  
section 319.54 of the Revised Code only a statement of the reason 8951  
for the exemption shall be required. Each statement submitted 8952  
under this section shall contain the information required under 8953  
divisions (A) and (B) of this section. 8954

(A) Each statement submitted under this section shall either: 8955

(1) Contain an affirmation by the grantee that the grantor 8956  
has been asked by the grantee or the grantee's representative 8957  
whether to the best of the grantor's knowledge either the 8958

preceding or the current year's taxes on the real property or the 8959  
current or following year's taxes on the manufactured or mobile 8960  
home conveyed will be reduced under division (A) of section 8961  
323.152 or under section 4503.065 of the Revised Code and that the 8962  
grantor indicated that to the best of the grantor's knowledge the 8963  
taxes will not be so reduced; or 8964

(2) Be accompanied by a sworn or affirmed instrument stating: 8965

(a) To the best of the grantor's knowledge the real property 8966  
or the manufactured or mobile home that is the subject of the 8967  
conveyance is eligible for and will receive a reduction in taxes 8968  
for or payable in the current year under division (A) of section 8969  
323.152 or under section 4503.065 of the Revised Code and that the 8970  
reduction or reductions will be reflected in the grantee's taxes; 8971

(b) The estimated amount of such reductions that will be 8972  
reflected in the grantee's taxes; 8973

(c) That the grantor and the grantee have considered and 8974  
accounted for the total estimated amount of such reductions to the 8975  
satisfaction of both the grantee and the grantor. The auditor 8976  
shall indorse the instrument, return it to the grantee or the 8977  
grantee's representative, and provide a copy of the indorsed 8978  
instrument to the grantor or the grantor's representative. 8979

(B) Each statement submitted under this section shall either: 8980

(1) Contain an affirmation by the grantee that the grantor 8981  
has been asked by the grantee or the grantee's representative 8982  
whether to the best of the grantor's knowledge the real property 8983  
conveyed qualified for the current agricultural use valuation 8984  
under section 5713.30 of the Revised Code either for the preceding 8985  
or the current year and that the grantor indicated that to the 8986  
best of the grantor's knowledge the property conveyed was not so 8987  
qualified; or 8988

(2) Be accompanied by a sworn or affirmed instrument stating: 8989

(a) To the best of the grantor's knowledge the real property 8990  
conveyed was qualified for the current agricultural use valuation 8991  
under section 5713.30 of the Revised Code either for the preceding 8992  
or the current year; 8993

(b) To the extent that the property will not continue to 8994  
qualify for the current agricultural use valuation either for the 8995  
current or the succeeding year, that the property will be subject 8996  
to a recoupment charge equal to the tax savings in accordance with 8997  
section 5713.34 of the Revised Code; 8998

(c) That the grantor and the grantee have considered and 8999  
accounted for the total estimated amount of such recoupment, if 9000  
any, to the satisfaction of both the grantee and the grantor. The 9001  
auditor shall indorse the instrument, forward it to the grantee or 9002  
the grantee's representative, and provide a copy of the indorsed 9003  
instrument to the grantor or the grantor's representative. 9004

(C) The grantor shall pay the fee required by division 9005  
~~(F)~~(G)(3) of section 319.54 of the Revised Code; and, in the event 9006  
the board of county commissioners of the county has levied a real 9007  
property or a manufactured home transfer tax pursuant to Chapter 9008  
322. of the Revised Code, the amount required by the real property 9009  
or manufactured home transfer tax so levied. If the conveyance is 9010  
exempt from the fee provided for in division ~~(F)~~(G)(3) of section 9011  
319.54 of the Revised Code and the tax, if any, levied pursuant to 9012  
Chapter 322. of the Revised Code, the reason for such exemption 9013  
shall be shown on the statement. "Value" means, in the case of any 9014  
deed or certificate of title not a gift in whole or part, the 9015  
amount of the full consideration therefor, paid or to be paid for 9016  
the real estate or manufactured or mobile home described in the 9017  
deed or title, including the amount of any mortgage or vendor's 9018  
lien thereon. If property sold under a land installment contract 9019  
is conveyed by the seller under such contract to a third party and 9020  
the contract has been of record at least twelve months prior to 9021

the date of conveyance, "value" means the unpaid balance owed to 9022  
the seller under the contract at the time of the conveyance, but 9023  
the statement shall set forth the amount paid under such contract 9024  
prior to the date of conveyance. In the case of a gift in whole or 9025  
part, "value" means the estimated price the real estate or 9026  
manufactured or mobile home described in the deed or certificate 9027  
of title would bring in the open market and under the then 9028  
existing and prevailing market conditions in a sale between a 9029  
willing seller and a willing buyer, both conversant with the 9030  
property and with prevailing general price levels. No person shall 9031  
willfully falsify the value of property conveyed. 9032

(D) The auditor shall indorse each conveyance on its face to 9033  
indicate the amount of the conveyance fee and compliance with this 9034  
section. The auditor shall retain the original copy of the 9035  
statement of value, forward to the tax commissioner one copy on 9036  
which shall be noted the most recent assessed value of the 9037  
property, and furnish one copy to the grantee or the grantee's 9038  
representative. 9039

(E) In order to achieve uniform administration and collection 9040  
of the transfer fee required by division ~~(F)~~(G)(3) of section 9041  
319.54 of the Revised Code, the tax commissioner shall adopt and 9042  
promulgate rules for the administration and enforcement of the 9043  
levy and collection of such fee. 9044

**Sec. 319.281.** The county auditor shall place on the general 9045  
tax list and duplicate compiled in accordance with section 319.28 9046  
of the Revised Code the amount certified by the health 9047  
commissioner of a city or general health district pursuant to 9048  
section 3709.091 of the Revised Code of any unpaid operation 9049  
permit or inspection fee for a household sewage ~~treatment~~ disposal 9050  
system ~~or a small flow on site sewage treatment system or any~~ 9051  
~~other unpaid fee levied under Chapter 3718. of the Revised Code~~ 9052

and any accrued late payment penalties, together with any fee 9053  
charged by the county auditor for placing the amount on the 9054  
general tax list and duplicate and for the expenses of its 9055  
collection. The amount placed on the general tax list and 9056  
duplicate shall be a lien on the real property on which the 9057  
household sewage ~~treatment~~ disposal system ~~or small flow on-site~~ 9058  
~~sewage treatment system~~ is located from the date the amount was 9059  
placed on the tax list and duplicate, and shall be charged and 9060  
collected in the same manner as taxes on the list. 9061

**Sec. 319.54.** (A) On all moneys collected by the county 9062  
treasurer on any tax duplicate of the county, other than estate 9063  
tax duplicates, and on all moneys received as advance payments of 9064  
personal property and classified property taxes, the county 9065  
auditor, on settlement with the treasurer and tax commissioner, on 9066  
or before the date prescribed by law for such settlement or any 9067  
lawful extension of such date, shall be allowed as compensation 9068  
for the county auditor's services the following percentages: 9069

(1) On the first one hundred thousand dollars, two and 9070  
one-half per cent; 9071

(2) On the next two million dollars, eight thousand three 9072  
hundred eighteen ten-thousandths of one per cent; 9073

(3) On the next two million dollars, six thousand six hundred 9074  
fifty-five ten-thousandths of one per cent; 9075

(4) On all further sums, one thousand six hundred sixty-three 9076  
ten-thousandths of one per cent. 9077

If any settlement is not made on or before the date 9078  
prescribed by law for such settlement or any lawful extension of 9079  
such date, the aggregate compensation allowed to the auditor shall 9080  
be reduced one per cent for each day such settlement is delayed 9081  
after the prescribed date. No penalty shall apply if the auditor 9082

and treasurer grant all requests for advances up to ninety per 9083  
cent of the settlement pursuant to section 321.34 of the Revised 9084  
Code. The compensation allowed in accordance with this section on 9085  
settlements made before the dates prescribed by law, or the 9086  
reduced compensation allowed in accordance with this section on 9087  
settlements made after the date prescribed by law or any lawful 9088  
extension of such date, shall be apportioned ratably by the 9089  
auditor and deducted from the shares or portions of the revenue 9090  
payable to the state as well as to the county, townships, 9091  
municipal corporations, and school districts. 9092

(B) For the purpose of compensating county auditors for the 9093  
expenses associated with the increased number of applications for 9094  
reductions in real property taxes under sections 323.152 and 9095  
4503.065 of the Revised Code that results from the amendment of 9096  
those sections by H.B. 119 of the 127th general assembly, there 9097  
shall be paid from the general revenue fund to each county auditor 9098  
each year an amount equal to one per cent of the total annual 9099  
amount of property tax relief reimbursement paid to that county 9100  
under sections 323.156 and 4503.068 of the Revised Code. 9101

(C) From all moneys collected by the county treasurer on any 9102  
tax duplicate of the county, other than estate tax duplicates, and 9103  
on all moneys received as advance payments of personal property 9104  
and classified property taxes, there shall be paid into the county 9105  
treasury to the credit of the real estate assessment fund created 9106  
by section 325.31 of the Revised Code, an amount to be determined 9107  
by the county auditor, which shall not exceed the following 9108  
percentages: 9109

(1) On the first one hundred thousand dollars, three and 9110  
one-half per cent; 9111

(2) On the next three million dollars, one and three-eighths 9112  
per cent; 9113

(3) On the next three million dollars, one per cent; 9114

(4) On all further sums not exceeding one hundred fifty 9115  
million dollars, three-quarters of one per cent; 9116

(5) On amounts exceeding one hundred fifty million dollars, 9117  
six-tenths of one per cent. 9118

Such compensation shall be apportioned ratably by the auditor 9119  
and deducted from the shares or portions of the revenue payable to 9120  
the state as well as to the county, townships, municipal 9121  
corporations, and school districts. 9122

~~(C)~~(D) Each county auditor shall receive four per cent of the 9123  
amount of tax collected and paid into the county treasury, on 9124  
property omitted and placed by the county auditor on the tax 9125  
duplicate. 9126

~~(D)~~(E) On all estate tax moneys collected by the county 9127  
treasurer, the county auditor, on settlement semiannually with the 9128  
tax commissioner, shall be allowed, as compensation for the 9129  
auditor's services under Chapter 5731. of the Revised Code, the 9130  
following percentages: 9131

(1) Four per cent on the first one hundred thousand dollars; 9132

(2) One-half of one per cent on all additional sums. 9133

Such percentages shall be computed upon the amount collected 9134  
and reported at each semiannual settlement, and shall be for the 9135  
use of the general fund of the county. 9136

~~(E)~~(F) On all cigarette license moneys collected by the 9137  
county treasurer, the county auditor, on settlement semiannually 9138  
with the treasurer, shall be allowed as compensation for the 9139  
auditor's services in the issuing of such licenses one-half of one 9140  
per cent of such moneys, to be apportioned ratably and deducted 9141  
from the shares of the revenue payable to the county and 9142  
subdivisions, for the use of the general fund of the county. 9143

<del>(F)</del> (G) The county auditor shall charge and receive fees as follows:	9144 9145
(1) For deeds of land sold for taxes to be paid by the purchaser, five dollars;	9146 9147
(2) For the transfer or entry of land, lot, or part of lot, or the transfer or entry on or after January 1, 2000, of a used manufactured home or mobile home as defined in section 5739.0210 of the Revised Code, fifty cents for each transfer or entry, to be paid by the person requiring it;	9148 9149 9150 9151 9152
(3) For receiving statements of value and administering section 319.202 of the Revised Code, one dollar, or ten cents for each one hundred dollars or fraction of one hundred dollars, whichever is greater, of the value of the real property transferred or, for sales occurring on or after January 1, 2000, the value of the used manufactured home or used mobile home, as defined in section 5739.0210 of the Revised Code, transferred, except no fee shall be charged when the transfer is made:	9153 9154 9155 9156 9157 9158 9159 9160
(a) To or from the United States, this state, or any instrumentality, agency, or political subdivision of the United States or this state;	9161 9162 9163
(b) Solely in order to provide or release security for a debt or obligation;	9164 9165
(c) To confirm or correct a deed previously executed and recorded;	9166 9167
(d) To evidence a gift, in trust or otherwise and whether revocable or irrevocable, between husband and wife, or parent and child or the spouse of either;	9168 9169 9170
(e) On sale for delinquent taxes or assessments;	9171
(f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such	9172 9173

order;	9174
(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation;	9175 9176 9177 9178 9179 9180
(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;	9181 9182 9183
(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;	9184 9185
(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars;	9186 9187 9188
(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home;	9189 9190 9191 9192 9193 9194
(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others;	9195 9196 9197 9198
(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift;	9199 9200 9201 9202
(n) Pursuant to division (B) of section 317.22 of the Revised	9203

Code, or section 2113.61 of the Revised Code, between spouses or 9204  
to a surviving spouse pursuant to section 5302.17 of the Revised 9205  
Code as it existed prior to April 4, 1985, between persons 9206  
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 9207  
after April 4, 1985, to a person who is a surviving, survivorship 9208  
tenant pursuant to section 5302.17 of the Revised Code on or after 9209  
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 9210

(o) To a trustee acting on behalf of minor children of the 9211  
deceased; 9212

(p) Of an easement or right-of-way when the value of the 9213  
interest conveyed does not exceed one thousand dollars; 9214

(q) Of property sold to a surviving spouse pursuant to 9215  
section 2106.16 of the Revised Code; 9216

(r) To or from an organization exempt from federal income 9217  
taxation under section 501(c)(3) of the "Internal Revenue Code of 9218  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such 9219  
transfer is without consideration and is in furtherance of the 9220  
charitable or public purposes of such organization; 9221

(s) Among the heirs at law or devisees, including a surviving 9222  
spouse, of a common decedent, when no consideration in money is 9223  
paid or to be paid for the real property or manufactured or mobile 9224  
home; 9225

(t) To a trustee of a trust, when the grantor of the trust 9226  
has reserved an unlimited power to revoke the trust; 9227

(u) To the grantor of a trust by a trustee of the trust, when 9228  
the transfer is made to the grantor pursuant to the exercise of 9229  
the grantor's power to revoke the trust or to withdraw trust 9230  
assets; 9231

(v) To the beneficiaries of a trust if the fee was paid on 9232  
the transfer from the grantor of the trust to the trustee or if 9233

the transfer is made pursuant to trust provisions which became 9234  
irrevocable at the death of the grantor; 9235

(w) To a corporation for incorporation into a sports facility 9236  
constructed pursuant to section 307.696 of the Revised Code; 9237

(x) Between persons pursuant to section 5302.18 of the 9238  
Revised Code. 9239

The auditor shall compute and collect the fee. The auditor 9240  
shall maintain a numbered receipt system, as prescribed by the tax 9241  
commissioner, and use such receipt system to provide a receipt to 9242  
each person paying a fee. The auditor shall deposit the receipts 9243  
of the fees on conveyances in the county treasury daily to the 9244  
credit of the general fund of the county. 9245

The real property transfer fee provided for in division 9246  
~~(F)~~(G)(3) of this section shall be applicable to any conveyance of 9247  
real property presented to the auditor on or after January 1, 9248  
1968, regardless of its time of execution or delivery. 9249

The transfer fee for a used manufactured home or used mobile 9250  
home shall be computed by and paid to the county auditor of the 9251  
county in which the home is located immediately prior to the 9252  
transfer. 9253

**Sec. 321.08.** The county treasurer shall enter on ~~his~~ the 9254  
treasurer's account each day the money received for advance 9255  
payments of taxes and taxes charged on the general and special 9256  
duplicates of the current year in the following manner: 9257

(A) Collections of estate tax to be credited to the 9258  
"undivided estate tax fund;" 9259

(B) Collections of classified property taxes, including 9260  
interest and penalties thereon, shall be credited to the county 9261  
~~library and local government support~~ libraries fund and 9262  
distributed in accordance with section 5747.48 of the Revised 9263

Code;	9264
(C) Collections of other taxes and assessments of whatever kind to be credited to the undivided general tax fund.	9265 9266
<b>Sec. 322.01.</b> As used in sections 322.01 to 322.07 of the Revised Code:	9267 9268
(A) "Value" means, in the case of any deed not a gift in whole or part, the amount of the full consideration therefor, paid or to be paid for the real estate described in the deed, including the amount of any liens thereon, with the following exceptions:	9269 9270 9271 9272
(1) The amount owed on a debt secured by a mortgage which has been of record at least twelve months prior to the date of the conveyance and which is assumed by the purchaser;	9273 9274 9275
(2) The difference between the full amount of consideration and the unpaid balance owed to the seller at the time of the conveyance of property to a third party under a land installment contract that has been of record at least twelve months prior to the date of conveyance.	9276 9277 9278 9279 9280
(B) "Value" means, in the case of a manufactured or mobile home that is not a gift in whole or in part, the amount of the full consideration paid or to be paid for the home, including the amounts of any liens thereon.	9281 9282 9283 9284
(C) "Value" means, in the case of a gift in whole or part, the estimated price the real estate described in the deed, or the manufactured or mobile home, would bring in the open market and under the then existing and prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.	9285 9286 9287 9288 9289 9290
(D) "Deed" means any deed, instrument, or writing by which any real property or any interest in real property is granted, assigned, transferred, or otherwise conveyed except that it does	9291 9292 9293

not include any deed, instrument, or writing which grants, 9294  
assigns, transfers, or otherwise conveys any real property or 9295  
interests in real property exempted from the fee required by 9296  
division ~~(F)~~(G)(3) of section 319.54 of the Revised Code. 9297

(E) "Manufactured home" has the same meaning as in division 9298  
(C)(4) of section 3781.06 of the Revised Code. 9299

(F) "Mobile home" has the same meaning as in division (O) of 9300  
section 4501.01 of the Revised Code. 9301

**Sec. 323.151.** As used in sections 323.151 to 323.159 of the 9302  
Revised Code: 9303

(A) "Homestead" means either of the following: 9304

(1) A dwelling, including a unit in a multiple-unit dwelling 9305  
and a manufactured home or mobile home taxed as real property 9306  
pursuant to division (B) of section 4503.06 of the Revised Code, 9307  
owned and occupied as a home by an individual whose domicile is in 9308  
this state and who has not acquired ownership from a person, other 9309  
than the individual's spouse, related by consanguinity or affinity 9310  
for the purpose of qualifying for the real property tax reduction 9311  
provided in section 323.152 of the Revised Code. 9312

(2) A unit in a housing cooperative that is occupied as a 9313  
home, but not owned, by an individual whose domicile is in this 9314  
state. 9315

The homestead shall include so much of the land surrounding 9316  
it, not exceeding one acre, as is reasonably necessary for the use 9317  
of the dwelling or unit as a home. An owner includes a holder of 9318  
one of the several estates in fee, a vendee in possession under a 9319  
purchase agreement or a land contract, a mortgagor, a life tenant, 9320  
one or more tenants with a right of survivorship, tenants in 9321  
common, and a settlor of a revocable inter vivos trust holding the 9322  
title to a homestead occupied by the settlor as of right under the 9323

trust. The tax commissioner shall adopt rules for the uniform 9324  
classification and valuation of real property or portions of real 9325  
property as homesteads. 9326

(B) "Sixty-five years of age or older" means a person who has 9327  
attained age sixty-four prior to the first day of January of the 9328  
year of application for reduction in real estate taxes. 9329

~~(C) "Total income" means the adjusted gross income of the 9330  
owner and the owner's spouse for the year preceding the year in 9331  
which application for a reduction in taxes is made, as determined 9332  
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 9333  
U.S.C.A. 1, as amended, adjusted as follows: 9334~~

~~(1) Subtract the amount of disability benefits included in 9335  
adjusted gross income, but not to exceed fifty two hundred 9336  
dollars; 9337~~

~~(2) Add old age and survivors benefits received pursuant to 9338  
the "Social Security Act" that are not included in adjusted gross 9339  
income; 9340~~

~~(3) Add retirement, pension, annuity, or other retirement 9341  
payments or benefits not included in adjusted gross income; 9342~~

~~(4) Add tier I and tier II railroad retirement benefits 9343  
received pursuant to the "Railroad Retirement Act," 50 Stat. 307, 9344  
45 U.S.C.A. 228; 9345~~

~~(5) Add interest on federal, state, and local government 9346  
obligations; 9347~~

~~(6) For a person who received the homestead exemption for a 9348  
prior year on the basis of being permanently and totally disabled 9349  
and whose current application for the exemption is made on the 9350  
basis of age, subtract the following amount: 9351~~

~~(a) If the person received disability benefits that were not 9352  
included in adjusted gross income in the year preceding the first 9353~~

~~year in which the person applied for the exemption on the basis of 9354  
age, subtract an amount equal to the disability benefits the 9355  
person received in that preceding year, to the extent included in 9356  
total income in the current year and not subtracted under division 9357  
(C)(1) of this section in the current year; 9358~~

~~(b) If the person received disability benefits that were 9359  
included in adjusted gross income in the year preceding the first 9360  
year in which the person applied for the exemption on the basis of 9361  
age, subtract an amount equal to the amount of disability benefits 9362  
that were subtracted pursuant to division (C)(1) of this section 9363  
in that preceding year, to the extent included in total income in 9364  
the current year and not subtracted under division (C)(1) of this 9365  
section in the current year. 9366~~

~~Disability benefits that are paid by the department of 9367  
veterans affairs or a branch of the armed forces of the United 9368  
States on account of an injury or disability shall not be included 9369  
in total income. 9370~~

~~(D) "Old age and survivors benefits received pursuant to the 9371  
'Social Security Act'" or "tier I railroad retirement benefits 9372  
received pursuant to the 'Railroad Retirement Act'" means: 9373~~

~~(1) For those persons receiving the homestead exemption for 9374  
the first time for tax years 1976 and earlier, old age benefits 9375  
payable under the social security or railroad retirement laws in 9376  
effect on December 31, 1975, except in those cases where a change 9377  
in social security or railroad retirement benefits would result in 9378  
a reduction in income. 9379~~

~~(2) For those persons receiving the homestead exemption for 9380  
the first time for tax years 1977 and thereafter, old age benefits 9381  
payable under the social security or railroad retirement laws in 9382  
effect on the last day of the calendar year prior to the year for 9383  
which the homestead exemption is first received, or, if no such 9384~~

~~benefits are payable that year, old age benefits payable the first 9385  
succeeding year in which old age benefits under the social 9386  
security or railroad retirement laws are payable, except in those 9387  
cases where a change in social security or railroad retirement 9388  
benefits results in a reduction in income. 9389~~

~~(3) The lesser of: 9390~~

~~(a) Survivors benefits payable under the social security or 9391  
railroad retirement laws in effect on the last day of the calendar 9392  
year prior to the year for which the homestead exemption is first 9393  
received, or, if no such benefits are payable that year, survivors 9394  
benefits payable the first succeeding year in which survivors 9395  
benefits are payable; or 9396~~

~~(b) Old age benefits of the deceased spouse, as determined 9397  
under division (D)(1) or (2) of this section, upon which the 9398  
surviving spouse's survivors benefits are based under the social 9399  
security or railroad retirement laws, except in those cases where 9400  
a change in benefits would cause a reduction in income. 9401~~

~~Survivors benefits are those described in division (D)(3)(b) 9402  
of this section only if the deceased spouse received old age 9403  
benefits in the year in which the deceased spouse died. If the 9404  
deceased spouse did not receive old age benefits in the year in 9405  
which the deceased spouse died, then survivors benefits are those 9406  
described in division (D)(3)(a) of this section. 9407~~

~~(E) "Permanently and totally disabled" means a person who 9408  
has, on the first day of January of the year of application for 9409  
reduction in real estate taxes, some impairment in body or mind 9410  
that makes the person unable to work at any substantially 9411  
remunerative employment that the person is reasonably able to 9412  
perform and that will, with reasonable probability, continue for 9413  
an indefinite period of at least twelve months without any present 9414  
indication of recovery therefrom or has been certified as 9415~~

permanently and totally disabled by a state or federal agency 9416  
having the function of so classifying persons. 9417

~~(F)~~(D) "Housing cooperative" means a housing complex of at 9418  
least two hundred fifty units that is owned and operated by a 9419  
nonprofit corporation that issues a share of the corporation's 9420  
stock to an individual, entitling the individual to live in a unit 9421  
of the complex, and collects a monthly maintenance fee from the 9422  
individual to maintain, operate, and pay the taxes of the complex. 9423

**Sec. 323.152.** In addition to the reduction in taxes required 9424  
under section 319.302 of the Revised Code, taxes shall be reduced 9425  
as provided in divisions (A) and (B) of this section. 9426

(A)(1) Division (A) of this section applies to any of the 9427  
following: 9428

(a) A person who is permanently and totally disabled; 9429

(b) A person who is sixty-five years of age or older; 9430

(c) A person who is the surviving spouse of a deceased person 9431  
who was permanently and totally disabled or sixty-five years of 9432  
age or older and who applied and qualified for a reduction in 9433  
taxes under this division in the year of death, provided the 9434  
surviving spouse is at least fifty-nine but not sixty-five or more 9435  
years of age on the date the deceased spouse dies. 9436

(2) Real property taxes on a homestead owned and occupied, or 9437  
a homestead in a housing cooperative occupied, by a person to whom 9438  
division (A) of this section applies shall be reduced for each 9439  
year for which the owner obtains a certificate of reduction from 9440  
the county auditor under section 323.154 of the Revised Code or 9441  
for which the occupant obtains a certificate of reduction in 9442  
accordance with section 323.159 of the Revised Code. The reduction 9443  
shall equal the amount obtained by multiplying the tax rate for 9444  
the tax year for which the certificate is issued by the reduction 9445

<del>in taxable value shown in the following schedule:</del>		9446
	<del>Reduce Taxable Value</del>	9447
<del>Total Income</del>	<del>by the Lesser of:</del>	9448
<del>\$11,900 or less</del>	<del>\$5,000 or seventy five per cent</del>	9449
<del>More than \$11,900 but not more than \$17,500</del>	<del>\$3,000 or sixty per cent</del>	9450
<del>More than \$17,500 but not more than \$23,000</del>	<del>\$1,000 or twenty five per cent</del>	9451
<del>More than \$23,000</del>	<del>-0-</del>	9452
<del>(3) Each calendar year, the tax commissioner shall adjust the foregoing schedule by completing the following calculations in September of each year:</del>		9453 9454 9455
<del>(a) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding calendar year;</del>		9456 9457 9458 9459 9460
<del>(b) Multiply that percentage increase by each of the total income amounts, and by each dollar amount by which taxable value is reduced, for the current tax year;</del>		9461 9462 9463
<del>(c) Add the resulting product to each of the total income amounts, and to each of the dollar amounts by which taxable value is reduced, for the current tax year;</del>		9464 9465 9466
<del>(d)(i) Except as provided in division (A)(3)(d)(ii) of this section, round the resulting sum to the nearest multiple of one hundred dollars;</del>		9467 9468 9469
<del>(ii) If rounding the resulting sum to the nearest multiple of one hundred dollars under division (A)(3)(d)(i) of this section does not increase the dollar amounts by which taxable value is reduced, the resulting sum instead shall be rounded to the nearest multiple of ten dollars.</del>		9470 9471 9472 9473 9474

~~The commissioner shall certify the amounts resulting from the adjustment to each county auditor not later than the first day of December each year. The certified amounts apply to the following tax year. The commissioner shall not make the adjustment in any calendar year in which the amounts resulting from the adjustment would be less than the total income amounts, or less than the dollar amounts by which taxable value is reduced, for the current tax year greater of the reduction granted for tax year 2006, if the taxpayer received a reduction for tax year 2006, or the product of the following:~~

(a) Twenty-five thousand dollars of the true value of the property in money;

(b) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;

(c) The effective tax rate on residential/agricultural real property, where "effective tax rate" is defined as in section 323.08 of the Revised Code, and where "residential/agricultural real property" is defined as in section 5713.041 of the Revised Code;

(d) The quantity equal to one minus the sum of the percentage reductions in taxes allowed by section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code.

(B) To provide a partial exemption, real property taxes on any homestead, and manufactured home taxes on any manufactured or mobile home on which a manufactured home tax is assessed pursuant to division (D)(2) of section 4503.06 of the Revised Code, shall be reduced for each year for which the owner obtains a certificate of reduction from the county auditor under section 323.154 of the Revised Code. The amount of the reduction shall equal two and one-half per cent of the amount of taxes to be levied on the

homestead or the manufactured or mobile home after applying 9506  
section 319.301 of the Revised Code. 9507

(C) The reductions granted by this section do not apply to 9508  
special assessments or respread of assessments levied against the 9509  
homestead, and if there is a transfer of ownership subsequent to 9510  
the filing of an application for a reduction in taxes, such 9511  
reductions are not forfeited for such year by virtue of such 9512  
transfer. 9513

(D) The reductions in taxable value referred to in this 9514  
section shall be applied solely as a factor for the purpose of 9515  
computing the reduction of taxes under this section and shall not 9516  
affect the total value of property in any subdivision or taxing 9517  
district as listed and assessed for taxation on the tax lists and 9518  
duplicates, or any direct or indirect limitations on indebtedness 9519  
of a subdivision or taxing district. If after application of 9520  
sections 5705.31 and 5705.32 of the Revised Code, including the 9521  
allocation of all levies within the ten-mill limitation to debt 9522  
charges to the extent therein provided, there would be 9523  
insufficient funds for payment of debt charges not provided for by 9524  
levies in excess of the ten-mill limitation, the reduction of 9525  
taxes provided for in sections 323.151 to 323.159 of the Revised 9526  
Code shall be proportionately adjusted to the extent necessary to 9527  
provide such funds from levies within the ten-mill limitation. 9528

(E) No reduction shall be made on the taxes due on the 9529  
homestead of any person convicted of violating division (C) or (D) 9530  
of section 323.153 of the Revised Code for a period of three years 9531  
following the conviction. 9532

**Sec. 323.153.** (A) To obtain a reduction in real property 9533  
taxes under division (A) or (B) of section 323.152 of the Revised 9534  
Code or in manufactured home taxes under division (B) of section 9535  
323.152 of the Revised Code, the owner shall file an application 9536

with the county auditor of the county in which the owner's 9537  
homestead is located. 9538

To obtain a reduction in real property taxes under division 9539  
(A) of section 323.152 of the Revised Code, the occupant of a 9540  
homestead in a housing cooperative shall file an application with 9541  
the nonprofit corporation that owns and operates the housing 9542  
cooperative, in accordance with this paragraph. Not later than the 9543  
first day of March each year, the corporation shall obtain 9544  
applications from the county auditor's office and provide one to 9545  
each new occupant. Not later than the first day of May, any 9546  
occupant who may be eligible for a reduction in taxes under 9547  
division (A) of section 323.152 of the Revised Code shall submit 9548  
the completed application to the corporation. Not later than the 9549  
fifteenth day of May, the corporation shall file all completed 9550  
applications, and the information required by division (B) of 9551  
section 323.159 of the Revised Code, with the county auditor of 9552  
the county in which the occupants' homesteads are located. 9553  
Continuing applications shall be furnished to an occupant in the 9554  
manner provided in division (C)(4) of this section. 9555

(1) An application for reduction based upon a physical 9556  
disability shall be accompanied by a certificate signed by a 9557  
physician, and an application for reduction based upon a mental 9558  
disability shall be accompanied by a certificate signed by a 9559  
physician or psychologist licensed to practice in this state, 9560  
attesting to the fact that the applicant is permanently and 9561  
totally disabled. The certificate shall be in a form that the tax 9562  
commissioner requires and shall include the definition of 9563  
permanently and totally disabled as set forth in section 323.151 9564  
of the Revised Code. An application for reduction based upon a 9565  
disability certified as permanent and total by a state or federal 9566  
agency having the function of so classifying persons shall be 9567  
accompanied by a certificate from that agency. ~~Such an~~ 9568

An application for a reduction under division (A) of section 323.152 of the Revised Code constitutes a continuing application for a reduction in taxes for each year in which the dwelling is the applicant's homestead ~~and the amount of the reduction in taxable value to which the applicant is entitled does not exceed either the amount or percentage of the reduction to which the applicant was entitled for the year in which the application was first filed.~~

(2) An application for a reduction in taxes under division (B) of section 323.152 of the Revised Code shall be filed only if the homestead or manufactured or mobile home was transferred in the preceding year or did not qualify for and receive the reduction in taxes under that division for the preceding tax year. The application for homesteads transferred in the preceding year shall be incorporated into any form used by the county auditor to administer the tax law in respect to the conveyance of real property pursuant to section 319.20 of the Revised Code or of used manufactured homes or used mobile homes as defined in section 5739.0210 of the Revised Code. The owner of a manufactured or mobile home who has elected under division (D)(4) of section 4503.06 of the Revised Code to be taxed under division (D)(2) of that section for the ensuing year may file the application at the time of making that election. The application shall contain a statement that failure by the applicant to affirm on the application that the dwelling on the property conveyed is the applicant's homestead prohibits the owner from receiving the reduction in taxes until a proper application is filed within the period prescribed by division (A)(3) of this section. Such an application constitutes a continuing application for a reduction in taxes for each year in which the dwelling is the applicant's homestead.

(3) Failure to receive a new application filed under division

(A)(1) or (2) or notification under division (C) of this section 9601  
after a certificate of reduction has been issued under section 9602  
323.154 of the Revised Code, or failure to receive a new 9603  
application filed under division (A)(1) or notification under 9604  
division (C) of this section after a certificate of reduction has 9605  
been issued under section 323.159 of the Revised Code, is 9606  
prima-facie evidence that the original applicant is entitled to 9607  
the reduction in taxes calculated on the basis of the information 9608  
contained in the original application. The original application 9609  
and any subsequent application, including any late application, 9610  
shall be in the form of a signed statement and shall be filed 9611  
after the first Monday in January and not later than the first 9612  
Monday in June. The original application and any subsequent 9613  
application for a reduction in real property taxes shall be filed 9614  
in the year for which the reduction is sought. The original 9615  
application and any subsequent application for a reduction in 9616  
manufactured home taxes shall be filed in the year preceding the 9617  
year for which the reduction is sought. The statement shall be on 9618  
a form, devised and supplied by the tax commissioner, which shall 9619  
require no more information than is necessary to establish the 9620  
applicant's eligibility for the reduction in taxes and the amount 9621  
of the reduction, and, for a certificate of reduction issued under 9622  
section 323.154 of the Revised Code, shall include an affirmation 9623  
by the applicant that ownership of the homestead was not acquired 9624  
from a person, other than the applicant's spouse, related to the 9625  
owner by consanguinity or affinity for the purpose of qualifying 9626  
for the real property or manufactured home tax reduction provided 9627  
for in division (A) or (B) of section 323.152 of the Revised Code. 9628  
The form shall contain a statement that conviction of willfully 9629  
falsifying information to obtain a reduction in taxes or failing 9630  
to comply with division (C) of this section results in the 9631  
revocation of the right to the reduction for a period of three 9632  
years. ~~In the case of an application for a reduction in taxes~~ 9633

~~under division (A) of section 323.152 of the Revised Code, the 9634  
form shall contain a statement that signing the application 9635  
constitutes a delegation of authority by the applicant to the 9636  
county auditor to examine any financial records relating to income 9637  
earned by the applicant as stated on the application for the 9638  
purpose of determining a possible violation of division (D) or (E) 9639  
of this section. 9640~~

(B) A late application for a tax reduction for the year 9641  
preceding the year in which an original application is filed, or 9642  
for a reduction in manufactured home taxes for the year in which 9643  
an original application is filed, may be filed with the original 9644  
application. If the county auditor determines the information 9645  
contained in the late application is correct, the auditor shall 9646  
determine the amount of the reduction in taxes to which the 9647  
applicant would have been entitled for the preceding tax year had 9648  
the applicant's application been timely filed and approved in that 9649  
year. 9650

The amount of such reduction shall be treated by the auditor 9651  
as an overpayment of taxes by the applicant and shall be refunded 9652  
in the manner prescribed in section 5715.22 of the Revised Code 9653  
for making refunds of overpayments. On the first day of July of 9654  
each year, the county auditor shall certify the total amount of 9655  
the reductions in taxes made in the current year under this 9656  
division to the tax commissioner, who shall treat the full amount 9657  
thereof as a reduction in taxes for the preceding tax year and 9658  
shall make reimbursement to the county therefor in the manner 9659  
prescribed by section 323.156 of the Revised Code, from money 9660  
appropriated for that purpose. 9661

(C)(1) If, in any year after an application has been filed 9662  
under division (A)(1) or (2) of this section, the owner does not 9663  
qualify for a reduction in taxes on the homestead or on the 9664  
manufactured or mobile home set forth on such application, ~~or~~ 9665

~~qualifies for a reduction in taxes that is to be based upon a 9666  
reduction in taxable value less than either the percentage or 9667  
amount of the reduction in taxable value to which the owner was 9668  
entitled in the year the application was filed, the owner shall 9669  
notify the county auditor that the owner is not qualified for a 9670  
reduction in taxes or file a new application under division (A)(1) 9671  
or (2) of this section. 9672~~

(2) If, in any year after an application has been filed under 9673  
division (A)~~(1)~~ of this section, the occupant of a homestead in a 9674  
housing cooperative does not qualify for a reduction in taxes on 9675  
the homestead, the occupant shall notify the county auditor that 9676  
the occupant is not qualified for a reduction in taxes or file a 9677  
new application under division (A)~~(1)~~ of this section. 9678

(3) If the county auditor or county treasurer discovers that 9679  
the owner of property not entitled to the reduction in taxes under 9680  
division (B) of section 323.152 of the Revised Code failed to 9681  
notify the county auditor as required by division (C)(1) of this 9682  
section, a charge shall be imposed against the property in the 9683  
amount by which taxes were reduced under that division for each 9684  
tax year the county auditor ascertains that the property was not 9685  
entitled to the reduction and was owned by the current owner. 9686  
Interest shall accrue in the manner prescribed by division (B) of 9687  
section 323.121 or division (G)(2) of section 4503.06 of the 9688  
Revised Code on the amount by which taxes were reduced for each 9689  
such tax year as if the reduction became delinquent taxes at the 9690  
close of the last day the second installment of taxes for that tax 9691  
year could be paid without penalty. The county auditor shall 9692  
notify the owner, by ordinary mail, of the charge, of the owner's 9693  
right to appeal the charge, and of the manner in which the owner 9694  
may appeal. The owner may appeal the imposition of the charge and 9695  
interest by filing an appeal with the county board of revision not 9696  
later than the last day prescribed for payment of real and public 9697

utility property taxes under section 323.12 of the Revised Code 9698  
following receipt of the notice and occurring at least ninety days 9699  
after receipt of the notice. The appeal shall be treated in the 9700  
same manner as a complaint relating to the valuation or assessment 9701  
of real property under Chapter 5715. of the Revised Code. The 9702  
charge and any interest shall be collected as other delinquent 9703  
taxes. 9704

(4) Each year during January, the county auditor shall 9705  
furnish by ordinary mail a continuing application to each person 9706  
issued a certificate of reduction under section 323.154 or 323.159 9707  
of the Revised Code with respect to a reduction in taxes under 9708  
division (A) of section 323.152 of the Revised Code. The 9709  
continuing application shall be used to report ~~changes in total~~ 9710  
~~income that would have the effect of increasing or decreasing the~~ 9711  
~~reduction in taxable value to which the person is entitled,~~ 9712  
changes in ownership or occupancy of the homestead, including 9713  
changes in or revocation of a revocable inter vivos trust, changes 9714  
in disability, and other changes in the information earlier 9715  
furnished the auditor relative to the reduction in taxes on the 9716  
property. The continuing application shall be returned to the 9717  
auditor not later than the first Monday in June; provided, that if 9718  
such changes do not affect the status of the homestead exemption 9719  
or the amount of the reduction to which the owner is entitled 9720  
under division (A) of section 323.152 of the Revised Code or to 9721  
which the occupant is entitled under section 323.159 of the 9722  
Revised Code, the application does not need to be returned. 9723

(5) Each year during February, the county auditor, except as 9724  
otherwise provided in this paragraph, shall furnish by ordinary 9725  
mail an original application to the owner, as of the first day of 9726  
January of that year, of a homestead or a manufactured or mobile 9727  
home that transferred during the preceding calendar year and that 9728  
qualified for and received a reduction in taxes under division (B) 9729

of section 323.152 of the Revised Code for the preceding tax year. 9730  
In order to receive the reduction under that division, the owner 9731  
shall file the application with the county auditor not later than 9732  
the first Monday in June. If the application is not timely filed, 9733  
the auditor shall not grant a reduction in taxes for the homestead 9734  
for the current year, and shall notify the owner that the 9735  
reduction in taxes has not been granted, in the same manner 9736  
prescribed under section 323.154 of the Revised Code for 9737  
notification of denial of an application. Failure of an owner to 9738  
receive an application does not excuse the failure of the owner to 9739  
file an original application. The county auditor is not required 9740  
to furnish an application under this paragraph for any homestead 9741  
for which application has previously been made on a form 9742  
incorporated into any form used by the county auditor to 9743  
administer the tax law in respect to the conveyance of real 9744  
property or of used manufactured homes or used mobile homes, and 9745  
an owner who previously has applied on such a form is not required 9746  
to return an application furnished under this paragraph. 9747

(D) No person shall knowingly make a false statement for the 9748  
purpose of obtaining a reduction in the person's real property or 9749  
manufactured home taxes under section 323.152 of the Revised Code. 9750

(E) No person shall knowingly fail to notify the county 9751  
auditor of changes required by division (C) of this section that 9752  
have the effect of maintaining or securing a reduction ~~in taxable~~ 9753  
~~value of homestead property or a reduction~~ in taxes ~~in excess of~~ 9754  
~~the reduction allowed~~ under section 323.152 of the Revised Code. 9755

(F) No person shall knowingly make a false statement or 9756  
certification attesting to any person's physical or mental 9757  
condition for purposes of qualifying such person for tax relief 9758  
pursuant to sections 323.151 to 323.159 of the Revised Code. 9759

**Sec. 323.154.** On or before the day the county auditor has 9760

completed the duties imposed by sections 319.30 to 319.302 of the Revised Code, the auditor shall issue a certificate of reduction in taxes in triplicate for each person who has complied with section 323.153 of the Revised Code and whose homestead, as defined in division (A)(1) of section 323.151 of the Revised Code, or manufactured or mobile home the auditor finds is entitled to a reduction in real property or manufactured home taxes for that year under section 323.152 of the Revised Code. Except as provided in section 323.159 of the Revised Code, in the case of a homestead entitled to a reduction under division (A) of that section, the certificate shall state the taxable value of the homestead on the first day of January of that year, the ~~amount of the reduction in taxable value and the~~ total reduction in taxes for that year under that section, the tax rate that is applicable against such homestead for that year, and any other information the tax commissioner requires. In the case of a homestead or a manufactured or mobile home entitled to a reduction under division (B) of that section, the certificate shall state the total amount of the reduction in taxes for that year under that section and any other information the tax commissioner requires. The certificate for reduction in taxes shall be on a form approved by the commissioner. Upon issuance of such a certificate, the county auditor shall forward one copy and the original to the county treasurer and retain one copy. The county auditor also shall record the amount of reduction in taxes in the appropriate column on the general tax list and duplicate of real and public utility property and on the manufactured home tax list.

If an application, late application, or continuing application is not approved, or if the county auditor otherwise determines that a homestead or a manufactured or mobile home does not qualify for a reduction in taxes under division (A) or (B) of section 323.152 of the Revised Code, the auditor shall notify the applicant of the reasons for denial not later than the first

Monday in October. If an applicant believes that the application 9794  
for reduction has been improperly denied or that the reduction is 9795  
for less than that to which the applicant is entitled, the 9796  
applicant may file an appeal with the county board of revision not 9797  
later than the date of closing of the collection for the first 9798  
half of real and public utility property taxes or manufactured 9799  
home taxes. The appeal shall be treated in the same manner as a 9800  
complaint relating to the valuation or assessment of real property 9801  
under Chapter 5715. of the Revised Code. 9802

**Sec. 325.31.** (A) On the first business day of each month, and 9803  
at the end of the officer's term of office, each officer named in 9804  
section 325.27 of the Revised Code shall pay into the county 9805  
treasury, to the credit of the general county fund, on the warrant 9806  
of the county auditor, all fees, costs, penalties, percentages, 9807  
allowances, and perquisites collected by the officer's office 9808  
during the preceding month or part thereof for official services, 9809  
except the fees allowed the county auditor by division ~~(B)~~(C) of 9810  
section 319.54 of the Revised Code, which shall be paid into the 9811  
county treasury to the credit of the real estate assessment fund 9812  
hereby created. 9813

(B) Moneys to the credit of the real estate assessment fund 9814  
may be expended, upon appropriation by the board of county 9815  
commissioners, for the purpose of defraying one or more of the 9816  
following: 9817

(1) The cost incurred by the county auditor in assessing real 9818  
estate pursuant to Chapter 5713. of the Revised Code and 9819  
manufactured and mobile homes pursuant to Chapter 4503. of the 9820  
Revised Code; 9821

(2) At the county auditor's discretion, costs and expenses 9822  
incurred by the county auditor in preparing the list of real and 9823  
public utility property, in administering laws related to the 9824

taxation of real property and the levying of special assessments 9825  
on real property, including administering reductions under 9826  
Chapters 319. and 323. and section 4503.065 of the Revised Code, 9827  
and to support assessments of real property in any administrative 9828  
or judicial proceeding; 9829

(3) At the county auditor's discretion, the expenses incurred 9830  
by the county board of revision under Chapter 5715. of the Revised 9831  
Code; 9832

(4) At the county auditor's discretion, the expenses incurred 9833  
by the county auditor for geographic information systems, mapping 9834  
programs, and technological advances in those or similar systems 9835  
or programs; 9836

(5) At the county auditor's discretion, expenses incurred by 9837  
the county auditor in compiling the general tax list of tangible 9838  
personal property and administering tangible personal property 9839  
taxes under Chapters 5711. and 5719. of the Revised Code; 9840

(6) At the county auditor's discretion, costs, expenses, and 9841  
fees incurred by the county auditor in the administration of 9842  
estate taxes under Chapter 5731. of the Revised Code and the 9843  
amounts incurred under section 5731.41 of the Revised Code. 9844

Any expenditures made from the real estate assessment fund 9845  
shall comply with rules that the tax commissioner adopts under 9846  
division (0) of section 5703.05 of the Revised Code. Those rules 9847  
shall include a requirement that a copy of any appraisal plans, 9848  
progress of work reports, contracts, or other documents required 9849  
to be filed with the tax commissioner shall be filed also with the 9850  
board of county commissioners. 9851

The board of county commissioners shall not transfer moneys 9852  
required to be deposited in the real estate assessment fund to any 9853  
other fund. Following an assessment of real property pursuant to 9854  
Chapter 5713. of the Revised Code, or an assessment of a 9855

manufactured or mobile home pursuant to Chapter 4503. of the 9856  
Revised Code, any moneys not expended for the purpose of defraying 9857  
the cost incurred in assessing real estate or manufactured or 9858  
mobile homes or for the purpose of defraying the expenses 9859  
described in divisions (B)(2), (3), (4), (5), and (6) of this 9860  
section, and thereby remaining to the credit of the real estate 9861  
assessment fund, shall be apportioned ratably and distributed to 9862  
those taxing authorities that contributed to the fund. However, no 9863  
such distribution shall be made if the amount of such unexpended 9864  
moneys remaining to the credit of the real estate assessment fund 9865  
does not exceed five thousand dollars. 9866

(C) None of the officers named in section 325.27 of the 9867  
Revised Code shall collect any fees from the county. Each of such 9868  
officers shall, at the end of each calendar year, make and file a 9869  
sworn statement with the board of county commissioners of all such 9870  
fees, costs, penalties, percentages, allowances, and perquisites 9871  
which have been due in the officer's office and unpaid for more 9872  
than one year prior to the date such statement is required to be 9873  
made. 9874

**Sec. 329.04.** (A) The county department of job and family 9875  
services shall have, exercise, and perform the following powers 9876  
and duties: 9877

(1) Perform any duties assigned by the state department of 9878  
job and family services regarding the provision of public family 9879  
services, including the provision of the following services to 9880  
prevent or reduce economic or personal dependency and to 9881  
strengthen family life: 9882

(a) Services authorized by a Title IV-A program, as defined 9883  
in section 5101.80 of the Revised Code; 9884

(b) Social services authorized by Title XX of the "Social 9885  
Security Act" and provided for by section 5101.46 or 5101.461 of 9886

the Revised Code;	9887
(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.	9888 9889 9890 9891 9892 9893 9894 9895
(d) Duties assigned under section 5111.98 of the Revised Code.	9896 9897
(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;	9898 9899 9900
(3) Administer disability medical assistance, as required by the state department of job and family services under section 5115.13 of the Revised Code;	9901 9902 9903
(4) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law;	9904 9905 9906
(5) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities;	9907 9908 9909
(6) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services at the close of each fiscal year;	9910 9911 9912
(7) Exercise any powers and duties relating to family services duties or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of	9913 9914 9915 9916

the governor, when authorized by law, to meet emergencies during 9917  
war or peace; 9918

(8) Determine the eligibility for medical assistance of 9919  
recipients of aid under Title XVI of the "Social Security Act"; 9920

(9) If assigned by the state director of job and family 9921  
services under section 5101.515 of the Revised Code, determine 9922  
applicants' eligibility for health assistance under the children's 9923  
health insurance program part II; 9924

(10) Enter into a plan of cooperation with the board of 9925  
county commissioners under section 307.983, consult with the board 9926  
in the development of the transportation work plan developed under 9927  
section 307.985, establish with the board procedures under section 9928  
307.986 for providing services to children whose families relocate 9929  
frequently, and comply with the contracts the board enters into 9930  
under sections 307.981 and 307.982 of the Revised Code that affect 9931  
the county department; 9932

(11) For the purpose of complying with a ~~fiscal~~ grant 9933  
agreement the board of county commissioners enters into under 9934  
~~section~~ sections 307.98 and 5101.21 of the Revised Code, exercise 9935  
the powers and perform the duties the ~~fiscal~~ grant agreement 9936  
assigns to the county department; 9937

(12) If the county department is designated as the workforce 9938  
development agency, provide the workforce development activities 9939  
specified in the contract required by section 330.05 of the 9940  
Revised Code. 9941

(B) The powers and duties of a county department of job and 9942  
family services are, and shall be exercised and performed, under 9943  
the control and direction of the board of county commissioners. 9944  
The board may assign to the county department any power or duty of 9945  
the board regarding family services duties and workforce 9946  
development activities. If the new power or duty necessitates the 9947

state department of job and family services changing its federal 9948  
cost allocation plan, the county department may not implement the 9949  
power or duty unless the United States department of health and 9950  
human services approves the changes. 9951

**Sec. 329.05.** The county department of job and family services 9952  
may administer or assist in administering any state or local 9953  
family services duty in addition to those mentioned in section 9954  
329.04 of the Revised Code, supported wholly or in part by public 9955  
funds from any source provided by agreement between the board of 9956  
county commissioners and the officer, department, board, or agency 9957  
in which the administration of such activity is vested. Such 9958  
officer, department, board, or agency may enter into such 9959  
agreement and confer upon the county department of job and family 9960  
services, to the extent and in particulars specified in the 9961  
agreement, the performance of any duties and the exercise of any 9962  
powers imposed upon or vested in such officer, board, department, 9963  
or agency, with respect to the administration of such activity. 9964  
Such agreement shall be in the form of a resolution of the board 9965  
of county commissioners, accepted in writing by the other party to 9966  
the agreement, and filed in the office of the county auditor, and 9967  
when so filed, shall have the effect of transferring the exercise 9968  
of the powers and duties to which the agreement relates and shall 9969  
exempt the other party from all further responsibility for the 9970  
exercise of the powers and duties so transferred, during the life 9971  
of the agreement. 9972

Such agreement shall be coordinated and not conflict with a 9973  
~~fiscal grant~~ agreement entered into under ~~section~~ sections 307.98 9974  
and 5101.21, a contract entered into under section 307.981 or 9975  
307.982, a plan of cooperation entered into under section 307.983, 9976  
a regional plan of cooperation entered into under section 307.984, 9977  
a transportation work plan developed under section 307.985, or 9978  
procedures for providing services to children whose families 9979

relocate frequently established under section 307.986 of the 9980  
Revised Code. It may be revoked at the option of either party, by 9981  
a resolution or order of the revoking party filed in the office of 9982  
the auditor. Such revocation shall become effective at the end of 9983  
the fiscal year occurring at least six months following the filing 9984  
of the resolution or order. In the absence of such an express 9985  
revocation so filed, the agreement shall continue indefinitely. 9986

This section does not permit a county department of job and 9987  
family services to manage or control hospitals, humane societies, 9988  
detention facilities, jails or probation departments of courts, or 9989  
veterans service commissions. 9990

**Sec. 329.14.** (A) An individual whose household income does 9991  
not exceed ~~one~~ two hundred ~~fifty~~ per cent of the federal poverty 9992  
line is eligible to participate in an individual development 9993  
account program established by the county department of job and 9994  
family services of the county in which the individual resides. An 9995  
eligible individual seeking to be a participant in the program 9996  
shall enter into an agreement with the fiduciary organization 9997  
administering the program. The agreement shall specify the terms 9998  
and conditions of uses of funds deposited, financial documentation 9999  
required to be maintained by the participant, expectations and 10000  
responsibilities of the participant, and services to be provided 10001  
by the fiduciary organization. 10002

(B) A participant may deposit earned income, as defined in 26 10003  
U.S.C. 911(d)(2), as amended, into the account. The fiduciary 10004  
organization may deposit into the account an amount not exceeding 10005  
~~twice~~ four times the amount deposited by the participant except 10006  
that a fiduciary organization may not, pursuant to an agreement 10007  
with an employer, deposit an amount into an account held by a 10008  
participant who is employed by the employer. An account may have 10009  
no more than ten thousand dollars in it at any time. 10010

(C) Notwithstanding eligibility requirements established in 10011  
or pursuant to Chapter 5107., 5108., or 5111. of the Revised Code, 10012  
to the extent permitted by federal statutes and regulations, money 10013  
in an individual development account, including interest, is 10014  
exempt from consideration in determining whether the participant 10015  
or a member of the participant's assistance group is eligible for 10016  
assistance under Chapter 5107., 5108., or 5111. of the Revised 10017  
Code and the amount of assistance the participant or assistance 10018  
group is eligible to receive. 10019

(D)(1) Except as provided in division (D)(2) of this section, 10020  
an individual development account program participant may use 10021  
money in the account only for the following purposes: 10022

(a) Postsecondary educational expenses paid directly from the 10023  
account to an eligible education institution or vendor; 10024

(b) Qualified acquisition expenses of a principal residence, 10025  
as defined in 26 U.S.C. 1034, as amended, paid directly from the 10026  
account to the person or government entity to which the expenses 10027  
are due; 10028

(c) Qualified business capitalization expenses made in 10029  
accordance with a qualified business plan that has been approved 10030  
by a financial institution or by a nonprofit microenterprise 10031  
program having demonstrated business expertise and paid directly 10032  
from the account to the person to whom the expenses are due. 10033

(2) A fiduciary organization shall permit a participant to 10034  
withdraw money deposited by the participant if it is needed to 10035  
deal with a personal emergency of the participant or a member of 10036  
the participant's family or household. Withdrawal shall result in 10037  
the loss of any matching funds in an amount equal to the amount of 10038  
the withdrawal. 10039

(3) Regardless of the reason for the withdrawal, a withdrawal 10040  
from an individual development account may be made only with the 10041

approval of the fiduciary organization. 10042

**Sec. 340.03.** (A) Subject to rules issued by the director of 10043  
mental health after consultation with relevant constituencies as 10044  
required by division (A)(11) of section 5119.06 of the Revised 10045  
Code, with regard to mental health services, the board of alcohol, 10046  
drug addiction, and mental health services shall: 10047

(1) Serve as the community mental health planning agency for 10048  
the county or counties under its jurisdiction, and in so doing it 10049  
shall: 10050

(a) Evaluate the need for facilities and community mental 10051  
health services; 10052

(b) In cooperation with other local and regional planning and 10053  
funding bodies and with relevant ethnic organizations, assess the 10054  
community mental health needs, set priorities, and develop plans 10055  
for the operation of facilities and community mental health 10056  
services; 10057

(c) In accordance with guidelines issued by the director of 10058  
mental health after consultation with board representatives, 10059  
develop and submit to the department of mental health, no later 10060  
than six months prior to the conclusion of the fiscal year in 10061  
which the board's current plan is scheduled to expire, a community 10062  
mental health plan listing community mental health needs, 10063  
including the needs of all residents of the district now residing 10064  
in state mental institutions and severely mentally disabled 10065  
adults, children, and adolescents; all children subject to a 10066  
determination made pursuant to section 121.38 of the Revised Code; 10067  
and all the facilities and community mental health services that 10068  
are or will be in operation or provided during the period for 10069  
which the plan will be in operation in the service district to 10070  
meet such needs. 10071

The plan shall include, but not be limited to, a statement of  
which of the services listed in section 340.09 of the Revised Code  
the board intends to make available. The board must include crisis  
intervention services for individuals in an emergency situation in  
the plan and explain how the board intends to make such services  
available. The plan must also include an explanation of how the  
board intends to make any payments that it may be required to pay  
under section 5119.62 of the Revised Code, a statement of the  
inpatient and community-based services the board proposes that the  
department operate, an assessment of the number and types of  
residential facilities needed, such other information as the  
department requests, and a budget for moneys the board expects to  
receive. The board shall also submit an allocation request for  
state and federal funds. Within sixty days after the department's  
determination that the plan and allocation request are complete,  
the department shall approve or disapprove the plan and request,  
in whole or in part, according to the criteria developed pursuant  
to section 5119.61 of the Revised Code. The department's statement  
of approval or disapproval shall specify the inpatient and the  
community-based services that the department will operate for the  
board. Eligibility

~~Eligibility~~ for state and federal funding shall be contingent  
upon an approved plan or relevant part of a plan. ~~The department~~  
~~may provide state and federal funding for services included in a~~  
~~plan only if the services are for individuals whose focus of~~  
~~treatment or prevention is a mental disorder according to the~~  
~~edition of the American psychiatric association's diagnostic and~~  
~~statistical manual of mental disorders that is current at the time~~  
~~the funding is provided. This shall include such services for~~  
~~individuals who have a mental disorder and a co-occurring~~  
~~substance use disorder, substance-induced disorder, chronic~~  
~~dementing organic mental disorder, mental retardation, or~~  
~~developmental disability. The department may not provide state or~~

~~federal funding under a plan for a service for individuals whose~~ 10105  
~~focus of treatment or prevention is solely a substance use~~ 10106  
~~disorder, substance induced disorder, chronic dementing organic~~ 10107  
~~mental disorder, mental retardation, or developmental disability.~~ 10108

If the director disapproves all or part of any plan, the 10109  
director shall inform the board of the reasons for the disapproval 10110  
and of the criteria that must be met before the plan may be 10111  
approved. The director shall provide the board an opportunity to 10112  
present its case on behalf of the plan. The director shall give 10113  
the board a reasonable time in which to meet the criteria, and 10114  
shall offer the board technical assistance to help it meet the 10115  
criteria. 10116

If the approval of a plan remains in dispute thirty days 10117  
prior to the conclusion of the fiscal year in which the board's 10118  
current plan is scheduled to expire, the board or the director may 10119  
request that the dispute be submitted to a mutually agreed upon 10120  
third-party mediator with the cost to be shared by the board and 10121  
the department. The mediator shall issue to the board and the 10122  
department recommendations for resolution of the dispute. Prior to 10123  
the conclusion of the fiscal year in which the current plan is 10124  
scheduled to expire, the director, taking into consideration the 10125  
recommendations of the mediator, shall make a final determination 10126  
and approve or disapprove the plan, in whole or in part. 10127

If a board determines that it is necessary to amend a plan or 10128  
an allocation request that has been approved under division 10129  
(A)(1)(c) of this section, the board shall submit a proposed 10130  
amendment to the director. The director may approve or disapprove 10131  
all or part of the amendment. If the director does not approve all 10132  
or part of the amendment within thirty days after it is submitted, 10133  
the amendment or part of it shall be considered to have been 10134  
approved. The director shall inform the board of the reasons for 10135  
disapproval of all or part of an amendment and of the criteria 10136

that must be met before the amendment may be approved. The 10137  
director shall provide the board an opportunity to present its 10138  
case on behalf of the amendment. The director shall give the board 10139  
a reasonable time in which to meet the criteria, and shall offer 10140  
the board technical assistance to help it meet the criteria. 10141

The board shall implement the plan approved by the 10142  
department. 10143

(d) Receive, compile, and transmit to the department of 10144  
mental health applications for state reimbursement; 10145

(e) Promote, arrange, and implement working agreements with 10146  
social agencies, both public and private, and with judicial 10147  
agencies. 10148

(2) Investigate, or request another agency to investigate, 10149  
any complaint alleging abuse or neglect of any person receiving 10150  
services from a community mental health agency as defined in 10151  
section 5122.01 of the Revised Code, or from a residential 10152  
facility licensed under section 5119.22 of the Revised Code. If 10153  
the investigation substantiates the charge of abuse or neglect, 10154  
the board shall take whatever action it determines is necessary to 10155  
correct the situation, including notification of the appropriate 10156  
authorities. Upon request, the board shall provide information 10157  
about such investigations to the department. 10158

(3) For the purpose of section 5119.611 of the Revised Code, 10159  
cooperate with the director of mental health in visiting and 10160  
evaluating whether the services of a community mental health 10161  
agency satisfy the certification standards established by rules 10162  
adopted under that section; 10163

(4) In accordance with criteria established under division 10164  
(G) of section 5119.61 of the Revised Code, review and evaluate 10165  
the quality, effectiveness, and efficiency of services provided 10166  
through its community mental health plan and submit its findings 10167

and recommendations to the department of mental health; 10168

(5) In accordance with section 5119.22 of the Revised Code, 10169  
review applications for residential facility licenses and 10170  
recommend to the department of mental health approval or 10171  
disapproval of applications; 10172

(6) Audit, in accordance with rules adopted by the auditor of 10173  
state pursuant to section 117.20 of the Revised Code, at least 10174  
annually all programs and services provided under contract with 10175  
the board. In so doing, the board may contract for or employ the 10176  
services of private auditors. A copy of the fiscal audit report 10177  
shall be provided to the director of mental health, the auditor of 10178  
state, and the county auditor of each county in the board's 10179  
district. 10180

(7) Recruit and promote local financial support for mental 10181  
health programs from private and public sources; 10182

(8)(a) Enter into contracts with public and private 10183  
facilities for the operation of facility services included in the 10184  
board's community mental health plan and enter into contracts with 10185  
public and private community mental health agencies for the 10186  
provision of community mental health services that are listed in 10187  
section 340.09 of the Revised Code and included in the board's 10188  
community mental health plan. The board may not contract with a 10189  
community mental health agency to provide community mental health 10190  
services included in the board's community mental health plan 10191  
unless the services are certified by the director of mental health 10192  
under section 5119.611 of the Revised Code. Section 307.86 of the 10193  
Revised Code does not apply to contracts entered into under this 10194  
division. In contracting with a community mental health agency, a 10195  
board shall consider the cost effectiveness of services provided 10196  
by that agency and the quality and continuity of care, and may 10197  
review cost elements, including salary costs, of the services to 10198  
be provided. A utilization review process shall be established as 10199

part of the contract for services entered into between a board and 10200  
a community mental health agency. The board may establish this 10201  
process in a way that is most effective and efficient in meeting 10202  
local needs. In the case of a contract with a community mental 10203  
health facility, as defined in section 5111.023 of the Revised 10204  
Code, to provide services listed in division (B) of that section, 10205  
the contract shall provide for the facility to be paid in 10206  
accordance with the contract entered into between the departments 10207  
of job and family services and mental health under section 5111.91 10208  
of the Revised Code and any rules adopted under division (A) of 10209  
section 5119.61 of the Revised Code. 10210

If either the board or a facility or community mental health 10211  
agency with which the board contracts under division (A)(8)(a) of 10212  
this section proposes not to renew the contract or proposes 10213  
substantial changes in contract terms, the other party shall be 10214  
given written notice at least one hundred twenty days before the 10215  
expiration date of the contract. During the first sixty days of 10216  
this one hundred twenty-day period, both parties shall attempt to 10217  
resolve any dispute through good faith collaboration and 10218  
negotiation in order to continue to provide services to persons in 10219  
need. If the dispute has not been resolved sixty days before the 10220  
expiration date of the contract, either party may notify the 10221  
department of mental health of the unresolved dispute. The 10222  
director may require both parties to submit the dispute to a third 10223  
party with the cost to be shared by the board and the facility or 10224  
community mental health agency. The third party shall issue to the 10225  
board, the facility or agency, and the department recommendations 10226  
on how the dispute may be resolved twenty days prior to the 10227  
expiration date of the contract, unless both parties agree to a 10228  
time extension. The director shall adopt rules establishing the 10229  
procedures of this dispute resolution process. 10230

(b) With the prior approval of the director of mental health, 10231

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. 10263

The director shall not give a board approval to operate a 10264  
facility previously operated by a person or other government 10265  
entity unless the board has established to the director's 10266  
satisfaction that the person or other government entity cannot 10267  
effectively operate the facility or that the person or other 10268  
government entity has requested the board to take over operation 10269  
of the facility. The director shall not give a board approval to 10270  
provide a community mental health service previously provided by a 10271  
community mental health agency unless the board has established to 10272  
the director's satisfaction that the agency cannot effectively 10273  
provide the service or that the agency has requested the board 10274  
take over providing the service. 10275

The director shall review and evaluate a board's operation of 10276  
a facility and provision of community mental health service under 10277  
division (A)(8)(b) of this section. 10278

Nothing in division (A)(8)(b) of this section authorizes a 10279  
board to administer or direct the daily operation of any facility 10280  
or community mental health agency, but a facility or agency may 10281  
contract with a board to receive administrative services or staff 10282  
direction from the board under the direction of the governing body 10283  
of the facility or agency. 10284

(9) Approve fee schedules and related charges or adopt a unit 10285  
cost schedule or other methods of payment for contract services 10286  
provided by community mental health agencies in accordance with 10287  
guidelines issued by the department as necessary to comply with 10288  
state and federal laws pertaining to financial assistance; 10289

(10) Submit to the director and the county commissioners of 10290  
the county or counties served by the board, and make available to 10291  
the public, an annual report of the programs under the 10292  
jurisdiction of the board, including a fiscal accounting; 10293

(11) Establish, to the extent resources are available, a	10294
community support system, which provides for treatment, support,	10295
and rehabilitation services and opportunities. The essential	10296
elements of the system include, but are not limited to, the	10297
following components in accordance with section 5119.06 of the	10298
Revised Code:	10299
(a) To locate persons in need of mental health services to	10300
inform them of available services and benefits mechanisms;	10301
(b) Assistance for clients to obtain services necessary to	10302
meet basic human needs for food, clothing, shelter, medical care,	10303
personal safety, and income;	10304
(c) Mental health care, including, but not limited to,	10305
outpatient, partial hospitalization, and, where appropriate,	10306
inpatient care;	10307
(d) Emergency services and crisis intervention;	10308
(e) Assistance for clients to obtain vocational services and	10309
opportunities for jobs;	10310
(f) The provision of services designed to develop social,	10311
community, and personal living skills;	10312
(g) Access to a wide range of housing and the provision of	10313
residential treatment and support;	10314
(h) Support, assistance, consultation, and education for	10315
families, friends, consumers of mental health services, and	10316
others;	10317
(i) Recognition and encouragement of families, friends,	10318
neighborhood networks, especially networks that include racial and	10319
ethnic minorities, churches, community organizations, and	10320
meaningful employment as natural supports for consumers of mental	10321
health services;	10322
(j) Grievance procedures and protection of the rights of	10323

consumers of mental health services; 10324

(k) Case management, which includes continual individualized 10325  
assistance and advocacy to ensure that needed services are offered 10326  
and procured. 10327

(12) Designate the treatment program, agency, or facility for 10328  
each person involuntarily committed to the board pursuant to 10329  
Chapter 5122. of the Revised Code and authorize payment for such 10330  
treatment. The board shall provide the least restrictive and most 10331  
appropriate alternative that is available for any person 10332  
involuntarily committed to it and shall assure that the services 10333  
listed in section 340.09 of the Revised Code are available to 10334  
severely mentally disabled persons residing within its service 10335  
district. The board shall establish the procedure for authorizing 10336  
payment for services, which may include prior authorization in 10337  
appropriate circumstances. The board may provide for services 10338  
directly to a severely mentally disabled person when life or 10339  
safety is endangered and when no community mental health agency is 10340  
available to provide the service. 10341

(13) Establish a method for evaluating referrals for 10342  
involuntary commitment and affidavits filed pursuant to section 10343  
5122.11 of the Revised Code in order to assist the probate 10344  
division of the court of common pleas in determining whether there 10345  
is probable cause that a respondent is subject to involuntary 10346  
hospitalization and what alternative treatment is available and 10347  
appropriate, if any; 10348

(14) Ensure that apartments or rooms built, subsidized, 10349  
renovated, rented, owned, or leased by the board or a community 10350  
mental health agency have been approved as meeting minimum fire 10351  
safety standards and that persons residing in the rooms or 10352  
apartments are receiving appropriate and necessary services, 10353  
including culturally relevant services, from a community mental 10354  
health agency. This division does not apply to residential 10355

facilities licensed pursuant to section 5119.22 of the Revised Code.	10356 10357
(15) Establish a mechanism for involvement of consumer recommendation and advice on matters pertaining to mental health services in the alcohol, drug addiction, and mental health service district;	10358 10359 10360 10361
(16) Perform the duties under section 3722.18 of the Revised Code required by rules adopted under section 5119.61 of the Revised Code regarding referrals by the board or mental health agencies under contract with the board of individuals with mental illness or severe mental disability to adult care facilities and effective arrangements for ongoing mental health services for the individuals. The board is accountable in the manner specified in the rules for ensuring that the ongoing mental health services are effectively arranged for the individuals.	10362 10363 10364 10365 10366 10367 10368 10369 10370
(B) The board shall establish such rules, operating procedures, standards, and bylaws, and perform such other duties as may be necessary or proper to carry out the purposes of this chapter.	10371 10372 10373 10374
(C) A board of alcohol, drug addiction, and mental health services may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established, and may hold and apply it according to the terms of the gift, grant, or bequest. All money received, including accrued interest, by gift, grant, or bequest shall be deposited in the treasury of the county, the treasurer of which is custodian of the alcohol, drug addiction, and mental health services funds to the credit of the board and shall be available for use by the board for purposes stated by the donor or grantor.	10375 10376 10377 10378 10379 10380 10381 10382 10383 10384 10385
(D) No board member or employee of a board of alcohol, drug	10386

addiction, and mental health services shall be liable for injury 10387  
or damages caused by any action or inaction taken within the scope 10388  
of the board member's official duties or the employee's 10389  
employment, whether or not such action or inaction is expressly 10390  
authorized by this section, section 340.033, or any other section 10391  
of the Revised Code, unless such action or inaction constitutes 10392  
willful or wanton misconduct. Chapter 2744. of the Revised Code 10393  
applies to any action or inaction by a board member or employee of 10394  
a board taken within the scope of the board member's official 10395  
duties or employee's employment. For the purposes of this 10396  
division, the conduct of a board member or employee shall not be 10397  
considered willful or wanton misconduct if the board member or 10398  
employee acted in good faith and in a manner that the board member 10399  
or employee reasonably believed was in or was not opposed to the 10400  
best interests of the board and, with respect to any criminal 10401  
action or proceeding, had no reasonable cause to believe the 10402  
conduct was unlawful. 10403

(E) The meetings held by any committee established by a board 10404  
of alcohol, drug addiction, and mental health services shall be 10405  
considered to be meetings of a public body subject to section 10406  
121.22 of the Revised Code. 10407

**Sec. 505.376.** When any expenditure of a fire and ambulance 10408  
district, other than for the compensation of district employees, 10409  
exceeds ~~twenty-five~~ fifty thousand dollars, the contract for the 10410  
expenditure shall be in writing and made with the lowest and best 10411  
bidder after advertising for not less than two nor more than four 10412  
consecutive weeks in a newspaper of general circulation within the 10413  
district. The bids shall be opened and shall be publicly read by 10414  
the clerk of the district, or the clerk's designee, at the time, 10415  
date, and place specified in the advertisement to bidders or the 10416  
specifications. The time, date, and place of bid openings may be 10417  
extended to a later date by the board of trustees of the district, 10418

provided that written or oral notice of the change shall be given 10419  
to all persons who have received or requested specifications no 10420  
later than ninety-six hours prior to the original time and date 10421  
fixed for the opening. 10422

Each bid on any contract shall contain the full name of every 10423  
person interested in the bid. If the bid is for a contract for the 10424  
construction, demolition, alteration, repair, or reconstruction of 10425  
an improvement, it shall meet the requirements of section 153.54 10426  
of the Revised Code. If the bid is for any other contract, it 10427  
shall be accompanied by a sufficient bond or certified check, 10428  
cashier's check, or money order on a solvent bank or savings and 10429  
loan association that, if the bid is accepted, a contract will be 10430  
entered into and the performance of it will be properly secured. 10431  
If the bid for work embraces both labor and material, it shall be 10432  
separately stated, with the price of the labor and the material. 10433  
The board may reject any and all bids. The contract shall be 10434  
between the district and the bidder, and the district shall pay 10435  
the contract price in cash. When a bonus is offered for completion 10436  
of a contract prior to a specified date, the board may exact a 10437  
prorated penalty in like sum for each day of delay beyond the 10438  
specified date. When there is reason to believe there is collusion 10439  
or combination among bidders, the bids of those concerned shall be 10440  
rejected. 10441

**Sec. 517.08.** The proceeds arising from the sale of cemetery 10442  
lots under section 517.07 of the Revised Code shall be used in 10443  
maintaining, improving, beautifying, and embellishing such 10444  
grounds, except that upon unanimous consent of the board of 10445  
township trustees, such proceeds may be used in the purchase or 10446  
appropriation of additional land for cemetery purposes in 10447  
accordance with sections 517.01 and 517.13 of the Revised Code; 10448  
and the board of township trustees may build and maintain proper 10449  
and secure fences around all such cemeteries, to be paid for from 10450

the township funds. 10451

**Sec. 521.01.** (A) As used in this chapter, "private sewage 10452  
collection tile" means any tile, ditch, pipe, or other improvement 10453  
installed by a private person to receive and convey sewage and 10454  
sewage effluent from at least five household sewage ~~treatment~~ 10455  
disposal systems, as those systems are defined in rules adopted by 10456  
the public health council under section ~~3718.01~~ 3701.34 of the 10457  
Revised Code. 10458

(B) A board of township trustees may maintain and repair 10459  
private sewage collection tiles located within a township road 10460  
right-of-way in the township, where the expenditure from the 10461  
township general fund for materials to maintain and repair the 10462  
tiles does not exceed two hundred dollars for any one project. No 10463  
maintenance or repair shall be performed that is paid for from the 10464  
township general fund under this division until the board adopts a 10465  
resolution authorizing the maintenance or repair. If material 10466  
costs would exceed two hundred dollars, the board may proceed 10467  
under this chapter to maintain and repair the tiles by assessing 10468  
the cost against property based on the special benefits the 10469  
property receives from the project. 10470

**Sec. 709.191.** In lieu of making any of the payments required 10471  
by section 709.19 of the Revised Code and for any proposed 10472  
annexation which does not require payments under that section, the 10473  
legislative authority of a municipal corporation which proposes to 10474  
annex unincorporated territory of a township may enter into an 10475  
agreement with the board of township trustees of the township in 10476  
which the territory to be annexed is located, whereby the 10477  
municipal corporation agrees to make an annual payment to the 10478  
township to compensate for lost tax revenues. The agreement shall 10479  
set forth the amount of the annual payment and the number of 10480  
payments to be made. 10481

If a municipal corporation fails to make an annual payment 10482  
pursuant to an agreement entered into under this section, the 10483  
board of township trustees shall notify the county budget 10484  
commission in writing of the amount owed by the municipal 10485  
corporation to the township. The county budget commission shall 10486  
reduce the amount apportioned to the municipal corporation from 10487  
the undivided local ~~government~~ communities fund pursuant to 10488  
section 5747.51 or 5747.53 of the Revised Code by the amount of 10489  
the payment due the township under the municipal-township 10490  
agreement and shall increase, by an amount equal to this 10491  
reduction, the amount apportioned to the township from the 10492  
undivided local ~~government~~ communities fund. 10493

**Sec. 711.05.** (A) Upon the submission of a plat for approval, 10494  
in accordance with section 711.041 of the Revised Code, the board 10495  
of county commissioners shall certify on it the date of the 10496  
submission. Within five days of submission of the plat, the board 10497  
shall schedule a meeting to consider the plat and send a written 10498  
notice by regular mail to the fiscal officer of the board of 10499  
township trustees of the township in which the plat is located ~~and~~ 10500  
~~the board of health of the health district in which the plat is~~ 10501  
~~located.~~ The notice shall inform the trustees ~~and the board of~~ 10502  
~~health~~ of the submission of the plat and of the date, time, and 10503  
location of any meeting at which the board of county commissioners 10504  
will consider or act upon the proposed plat. The meeting shall 10505  
take place within thirty days of submission of the plat, and no 10506  
meeting shall be held until at least seven days have passed from 10507  
the date the notice was sent by the board of county commissioners. 10508  
The approval of the board required by section 711.041 of the 10509  
Revised Code or the refusal to approve shall take place within 10510  
thirty days from the date of submission or such further time as 10511  
the applying party may agree to in writing; otherwise, the plat is 10512  
deemed approved and may be recorded as if bearing such approval. 10513

(B) The board may adopt general rules governing plats and subdivisions of land falling within its jurisdiction, to secure and provide for the coordination of the streets within the subdivision with existing streets and roads or with existing county highways, for the proper amount of open spaces for traffic, circulation, and utilities, and for the avoidance of future congestion of population detrimental to the public health, safety, or welfare, but shall not impose a greater minimum lot area than forty-eight hundred square feet. Before the board may amend or adopt rules, it shall notify all the townships in the county of the proposed amendments or rules by regular mail at least thirty days before the public meeting at which the proposed amendments or rules are to be considered.

The rules may require the ~~board~~ county department of health to review and comment on a plat before the board of county commissioners acts upon it and may also require proof of compliance with any applicable zoning resolutions, ~~and with household sewage treatment rules adopted under section 3718.02 of the Revised Code,~~ as a basis for approval of a plat. Where under section 711.101 of the Revised Code the board of county commissioners has set up standards and specifications for the construction of streets, utilities, and other improvements for common use, the general rules may require the submission of appropriate plans and specifications for approval. The board shall not require the person submitting the plat to alter the plat or any part of it as a condition for approval, as long as the plat is in accordance with general rules governing plats and subdivisions of land, adopted by the board as provided in this section, in effect at the time the plat was submitted and the plat is in accordance with any standards and specifications set up under section 711.101 of the Revised Code, in effect at the time the plat was submitted.

(C) The ground of refusal to approve any plat, submitted in accordance with section 711.041 of the Revised Code, shall be stated upon the record of the board, and, within sixty days thereafter, the person submitting any plat that the board refuses to approve may file a petition in the court of common pleas of the county in which the land described in the plat is situated to review the action of the board. A board of township trustees is not entitled to appeal a decision of the board of county commissioners under this section.

**Sec. 711.10.** (A) Whenever a county planning commission or a regional planning commission adopts a plan for the major streets or highways of the county or region, no plat of a subdivision of land within the county or region, other than land within a municipal corporation or land within three miles of a city or one and one-half miles of a village as provided in section 711.09 of the Revised Code, shall be recorded until it is approved by the county or regional planning commission under division (C) of this section and the approval is endorsed in writing on the plat.

(B) A county or regional planning commission may require the submission of a preliminary plan for each plat sought to be recorded. If the commission requires this submission, it shall provide for a review process for the preliminary plan. Under this review process, the planning commission shall give its approval, its approval with conditions, or its disapproval of each preliminary plan. The commission's decision shall be in writing, shall be under the signature of the secretary of the commission, and shall be issued within thirty-five business days after the submission of the preliminary plan to the commission. The disapproval of a preliminary plan shall state the reasons for the disapproval. A decision of the commission under this division is preliminary to and separate from the commission's decision to approve, conditionally approve, or refuse to approve a plat under

division (C) of this section. 10578

(C) Within five calendar days after the submission of a plat 10579  
for approval under this division, the county or regional planning 10580  
commission shall schedule a meeting to consider the plat and send 10581  
a notice by regular mail or by electronic mail to the fiscal 10582  
officer of the board of township trustees of the township in which 10583  
the plat is located ~~and the board of health of the health district~~ 10584  
~~in which the plat is located.~~ The notice shall inform the trustees 10585  
~~and the board of health~~ of the submission of the plat and of the 10586  
date, time, and location of any meeting at which the county or 10587  
regional planning commission will consider or act upon the plat. 10588  
The meeting shall take place within thirty calendar days after 10589  
submission of the plat, and no meeting shall be held until at 10590  
least seven calendar days have passed from the date the planning 10591  
commission sent the notice. 10592

The approval of the county or regional planning commission, 10593  
the commission's conditional approval as described in this 10594  
division, or the refusal of the commission to approve shall be 10595  
endorsed on the plat within thirty calendar days after the 10596  
submission of the plat for approval under this division or within 10597  
such further time as the applying party may agree to in writing; 10598  
otherwise that plat is deemed approved, and the certificate of the 10599  
commission as to the date of the submission of the plat for 10600  
approval under this division and the failure to take action on it 10601  
within that time shall be sufficient in lieu of the written 10602  
endorsement or evidence of approval required by this division. 10603

A county or regional planning commission may grant 10604  
conditional approval under this division to a plat by requiring a 10605  
person submitting the plat to alter the plat or any part of it, 10606  
within a specified period after the end of the thirty calendar 10607  
days, as a condition for final approval under this division. Once 10608  
all the conditions have been met within the specified period, the 10609

commission shall cause its final approval under this division to 10610  
be endorsed on the plat. No plat shall be recorded until it is 10611  
endorsed with the commission's final or unconditional approval 10612  
under this division. 10613

The ground of refusal of approval of any plat submitted under 10614  
this division, including citation of or reference to the rule 10615  
violated by the plat, shall be stated upon the record of the 10616  
county or regional planning commission. Within sixty calendar days 10617  
after the refusal under this division, the person submitting any 10618  
plat that the commission refuses to approve under this division 10619  
may file a petition in the court of common pleas of the proper 10620  
county, and the proceedings on the petition shall be governed by 10621  
section 711.09 of the Revised Code as in the case of the refusal 10622  
of a planning authority to approve a plat. A board of township 10623  
trustees is not entitled to appeal a decision of the commission 10624  
under this division. 10625

A county or regional planning commission shall adopt general 10626  
rules, of uniform application, governing plats and subdivisions of 10627  
land falling within its jurisdiction, to secure and provide for 10628  
the proper arrangement of streets or other highways in relation to 10629  
existing or planned streets or highways or to the county or 10630  
regional plan, for adequate and convenient open spaces for 10631  
traffic, utilities, access of firefighting apparatus, recreation, 10632  
light, and air, and for the avoidance of congestion of population. 10633  
The rules may provide for their modification by the commission in 10634  
specific cases where unusual topographical and other exceptional 10635  
conditions require the modification. The rules may require the 10636  
~~board~~ county department of health to review and comment on a plat 10637  
before the commission acts upon it and also may require proof of 10638  
compliance with any applicable zoning resolutions, ~~and with~~ 10639  
~~household sewage treatment rules adopted under section 3718.02 of~~ 10640  
~~the Revised Code,~~ as a basis for approval of a plat. 10641

Before adoption of its rules or amendment of its rules, the 10642  
commission shall hold a public hearing on the adoption or 10643  
amendment. Notice of the public hearing shall be sent to all 10644  
townships in the county or region by regular mail or electronic 10645  
mail at least thirty business days before the hearing. No county 10646  
or regional planning commission shall adopt any rules requiring 10647  
actual construction of streets or other improvements or facilities 10648  
or assurance of that construction as a condition precedent to the 10649  
approval of a plat of a subdivision unless the requirements have 10650  
first been adopted by the board of county commissioners after a 10651  
public hearing. A copy of the rules shall be certified by the 10652  
planning commission to the county recorders of the appropriate 10653  
counties. 10654

After a county or regional street or highway plan has been 10655  
adopted as provided in this section, the approval of plats and 10656  
subdivisions provided for in this section shall be in lieu of any 10657  
approvals provided for in other sections of the Revised Code, 10658  
insofar as the territory within the approving jurisdiction of the 10659  
county or regional planning commission, as provided in this 10660  
section, is concerned. Approval of a plat shall not be an 10661  
acceptance by the public of the dedication of any street, highway, 10662  
or other way or open space shown upon the plat. 10663

No county or regional planning commission shall require a 10664  
person submitting a plat to alter the plat or any part of it as 10665  
long as the plat is in accordance with the general rules governing 10666  
plats and subdivisions of land, adopted by the commission as 10667  
provided in this section, in effect at the time the plat is 10668  
submitted. 10669

A county or regional planning commission and a city or 10670  
village planning commission, or platting commissioner or 10671  
legislative authority of a village, with subdivision regulation 10672  
jurisdiction over unincorporated territory within the county or 10673

region may cooperate and agree by written agreement that the 10674  
approval of a plat by the city or village planning commission, or 10675  
platting commissioner or legislative authority of a village, as 10676  
provided in section 711.09 of the Revised Code, shall be 10677  
conditioned upon receiving advice from or approval by the county 10678  
or regional planning commission. 10679

(D) As used in this section, "business day" means a day of 10680  
the week excluding Saturday, Sunday, or a legal holiday as defined 10681  
in section 1.14 of the Revised Code. 10682

**Sec. 711.131.** (A) Notwithstanding sections 711.001 to 711.13 10683  
of the Revised Code and except as provided in division (C) of this 10684  
section, unless the rules adopted under section 711.05, 711.09, or 10685  
711.10 of the Revised Code are amended pursuant to division (B) of 10686  
this section, a proposed division of a parcel of land along an 10687  
existing public street, not involving the opening, widening, or 10688  
extension of any street or road, and involving no more than five 10689  
lots after the original tract has been completely subdivided, may 10690  
be submitted to the planning authority having approving 10691  
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 10692  
the Revised Code for approval without plat. If the authority 10693  
acting through a properly designated representative finds that a 10694  
proposed division is not contrary to applicable platting, 10695  
subdividing, zoning, health, sanitary, or access management 10696  
regulations, or regulations adopted under division (B)(3) of 10697  
section 307.37 of the Revised Code regarding existing surface or 10698  
subsurface drainage, ~~or household sewage treatment rules adopted~~ 10699  
~~under section 3718.02 of the Revised Code, including, but not~~ 10700  
~~limited to, rules governing household sewage disposal systems,~~ it 10701  
shall approve the proposed division within seven business days 10702  
after its submission and, on presentation of a conveyance of the 10703  
parcel, shall stamp the conveyance "approved by (planning 10704  
authority); no plat required" and have it signed by its clerk, 10705

secretary, or other official as may be designated by it. The 10706  
planning authority may require the submission of a sketch and 10707  
other information that is pertinent to its determination under 10708  
this division. 10709

(B) For a period of up to two years after ~~the effective date~~ 10710  
~~of this amendment~~ April 15, 2005, the rules adopted under section 10711  
711.05, 711.09, or 711.10 of the Revised Code may be amended 10712  
within that period to authorize the planning authority involved to 10713  
approve proposed divisions of parcels of land without plat under 10714  
this division. If an authority so amends its rules, it may approve 10715  
no more than five lots without a plat from an original tract as 10716  
that original tract exists on the effective date of the amendment 10717  
to the rules. The authority shall make the findings and approve a 10718  
proposed division in the time and manner specified in division (A) 10719  
of this section. 10720

(C) This section does not apply to parcels subject to section 10721  
711.133 of the Revised Code. 10722

(D) As used in this section: 10723

~~(1)~~, "Business business day" means a day of the week 10724  
excluding Saturday, Sunday, or a legal holiday as defined in 10725  
section 1.14 of the Revised Code. 10726

~~(2) "Household sewage disposal system" has the same meaning~~ 10727  
~~as in section 3709.091 of the Revised Code.~~ 10728

**Sec. 718.13.** (A) Any information gained as a result of 10729  
returns, investigations, hearings, or verifications required or 10730  
authorized by this chapter or by a charter or ordinance of a 10731  
municipal corporation levying an income tax pursuant to this 10732  
chapter is confidential, and no person shall disclose such 10733  
information except in accordance with a proper judicial order or 10734  
in connection with the performance of that person's official 10735

duties or the official business of the municipal corporation as 10736  
authorized by this chapter or the charter or ordinance authorizing 10737  
the levy. The tax administrator of the municipal corporation may 10738  
furnish copies of returns filed under this chapter to the internal 10739  
revenue service and to the tax commissioner. 10740

(B) This section does not prohibit the legislative authority 10741  
of a municipal corporation, by ordinance or resolution, from 10742  
authorizing the tax administrator to publish statistics in a form 10743  
that does not disclose information with respect to particular 10744  
taxpayers. 10745

**Sec. 742.301.** Each employer shall promptly pay the amount due 10746  
on the accrued liability on the dates fixed by the board of 10747  
trustees of the Ohio police and fire pension fund. Upon 10748  
certification by the board that payment of an employer's accrued 10749  
liability has not been paid within thirty days following the date 10750  
a payment is due, a penalty of five per cent of the amount due 10751  
shall be assessed against such employer. If the payment and 10752  
penalty have not been paid within ninety days following the date a 10753  
payment is due, annual interest at six per cent shall be assessed 10754  
against the payment and penalty from the date that the payment is 10755  
due. 10756

Upon certification by the board to the superintendent of 10757  
liquor control or the county auditor of an amount due from any 10758  
employer who is subject to this chapter by reason of such 10759  
employer's delinquency in making payments on the accrued 10760  
liability, the amount due shall be withheld from the employer from 10761  
liquor control permit fees to be distributed to that employer 10762  
according to Chapter 4301. of the Revised Code or from the local 10763  
~~government~~ communities fund allocated for distribution to that 10764  
employer by the county budget commission in accordance with 10765  
Chapter 5739. of the Revised Code. Upon receipt of the 10766

certification from the board, the superintendent or county auditor 10767  
shall provide for payment against such funds in favor of the Ohio 10768  
police and fire pension fund for the certified amount due and any 10769  
penalty and interest thereon. 10770

Sec. 901.261. The director of agriculture, in conducting 10771  
investigations, inquiries, or hearings, may assess the party to an 10772  
action that is brought before the department of agriculture 10773  
pursuant to Chapter 119. of the Revised Code the actual costs 10774  
incurred by the department for depositions, investigations, 10775  
issuance and service of subpoenas, witness fees, employment of a 10776  
stenographer and hearing officer, and the production of books, 10777  
accounts, papers, records, documents, and testimony if the 10778  
applicable hearing officer determines that the party to the action 10779  
has failed to comply with any chapter of the Revised Code or any 10780  
rule adopted under any of those chapters that is administered by 10781  
the director or if the hearing officer determines that the action 10782  
was frivolous conduct by the party. Assessment of costs under this 10783  
section may be appealed to a court of competent jurisdiction. 10784

Sec. 991.08. The Ohio expositions commission shall use not 10785  
less than thirty-five per cent of the revenue that it receives 10786  
from lease payments and parking fees related to events held at the 10787  
Columbus crew stadium, as it is named on the effective date of 10788  
this section, for the purpose of improving and maintaining parking 10789  
facilities that are utilized for events at the stadium. 10790

Sec. 1503.05. (A) The chief of the division of forestry may 10791  
sell timber and other forest products from the state forest and 10792  
state forest nurseries whenever the chief considers such a sale 10793  
desirable and, with the approval of the attorney general and the 10794  
director of natural resources, may sell portions of the state 10795  
forest lands when such a sale is advantageous to the state. 10796

(B) Except as otherwise provided in this section, a timber sale agreement shall not be executed unless the person or governmental entity bidding on the sale executes and files a surety bond conditioned on completion of the timber sale in accordance with the terms of the agreement in an amount equal to twenty-five per cent of the highest value cutting section. All bonds shall be given in a form prescribed by the chief and shall run to the state as obligee.

The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the attorney in fact thereof, with a certified copy of the power of attorney attached. The chief shall not approve the bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact a fidelity and surety business in this state.

In lieu of a bond, the bidder may deposit any of the following:

(1) Cash in an amount equal to the amount of the bond;

(2) United States government securities having a par value equal to or greater than the amount of the bond;

(3) Negotiable certificates of deposit or irrevocable letters of credit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond.

The cash or securities shall be deposited on the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any of the certificates to pledge securities of the aggregate market value equal to the amount of the certificate or certificates that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those

designated as eligible under section 135.18 of the Revised Code. 10828  
The securities shall be security for the repayment of the 10829  
certificate or certificates of deposit. 10830

Immediately upon a deposit of cash, securities, certificates 10831  
of deposit, or letters of credit, the chief shall deliver them to 10832  
the treasurer of state, who shall hold them in trust for the 10833  
purposes for which they have been deposited. The treasurer of 10834  
state is responsible for the safekeeping of the deposits. A bidder 10835  
making a deposit of cash, securities, certificates of deposit, or 10836  
letters of credit may withdraw and receive from the treasurer of 10837  
state, on the written order of the chief, all or any portion of 10838  
the cash, securities, certificates of deposit, or letters of 10839  
credit upon depositing with the treasurer of state cash, other 10840  
United States government securities, or other negotiable 10841  
certificates of deposit or irrevocable letters of credit issued by 10842  
any bank organized or transacting business in this state, equal in 10843  
par value to the par value of the cash, securities, certificates 10844  
of deposit, or letters of credit withdrawn. 10845

A bidder may demand and receive from the treasurer of state 10846  
all interest or other income from any such securities or 10847  
certificates as it becomes due. If securities so deposited with 10848  
and in the possession of the treasurer of state mature or are 10849  
called for payment by their issuer, the treasurer of state, at the 10850  
request of the bidder who deposited them, shall convert the 10851  
proceeds of the redemption or payment of the securities into other 10852  
United States government securities, negotiable certificates of 10853  
deposit, or cash as the bidder designates. 10854

When the chief finds that a person or governmental agency has 10855  
failed to comply with the conditions of the person's or 10856  
governmental agency's bond, the chief shall make a finding of that 10857  
fact and declare the bond, cash, securities, certificates, or 10858  
letters of credit forfeited. The chief thereupon shall certify the 10859

total forfeiture to the attorney general, who shall proceed to 10860  
collect the amount of the bond, cash, securities, certificates, or 10861  
letters of credit. 10862

In lieu of total forfeiture, the surety, at its option, may 10863  
cause the timber sale to be completed or pay to the treasurer of 10864  
state the cost thereof. 10865

All moneys collected as a result of forfeitures of bonds, 10866  
cash, securities, certificates, and letters of credit under this 10867  
section shall be credited to the state forest fund created in this 10868  
section. 10869

(C) The chief may grant easements and leases on portions of 10870  
the state forest lands and state forest nurseries under terms that 10871  
are advantageous to the state, and the chief may grant mineral 10872  
rights on a royalty basis on those lands and nurseries, with the 10873  
approval of the attorney general and the director. 10874

(D) All moneys received from the sale of state forest lands, 10875  
or in payment for easements or leases on or as rents from those 10876  
lands or from state forest nurseries, shall be paid into the state 10877  
treasury to the credit of the state forest fund, which is hereby 10878  
created. In addition, all moneys received from federal grants, 10879  
payments, and reimbursements, from the sale of reforestation tree 10880  
stock, from the sale of forest products, other than standing 10881  
timber, and from the sale of minerals taken from the state forest 10882  
lands and state forest nurseries, together with royalties from 10883  
mineral rights, shall be paid into the state treasury to the 10884  
credit of the state forest fund. Any other revenues derived from 10885  
the operation of the state forests and related facilities or 10886  
equipment also shall be paid into the state treasury to the credit 10887  
of the state forest fund, as shall contributions received for the 10888  
issuance of Smokey Bear license plates under section 4503.574 of 10889  
the Revised Code and any other moneys required by law to be 10890  
deposited in the fund. 10891

The state forest fund shall not be expended for any purpose 10892  
other than the administration, operation, maintenance, 10893  
development, or utilization of the state forests, forest 10894  
nurseries, and forest programs, for facilities or equipment 10895  
incident to them, or for the further purchase of lands for state 10896  
forest or forest nursery purposes and, in the case of 10897  
contributions received pursuant to section 4503.574 of the Revised 10898  
Code, for fire prevention purposes. 10899

All moneys received from the sale of standing timber taken 10900  
from state forest lands and state forest nurseries shall be 10901  
deposited into the state treasury to the credit of the forestry 10902  
holding account redistribution fund, which is hereby created. The 10903  
moneys shall remain in the fund until they are redistributed in 10904  
accordance with this division. 10905

The redistribution shall occur at least once each year. To 10906  
begin the redistribution, the chief first shall determine the 10907  
amount of all standing timber sold from state forest lands and 10908  
state forest nurseries, together with the amount of the total sale 10909  
proceeds, in each county, in each township within the county, and 10910  
in each school district within the county. The chief next shall 10911  
determine the amount of the direct costs that the division of 10912  
forestry incurred in association with the sale of that standing 10913  
timber. The amount of the direct costs shall be subtracted from 10914  
the amount of the total sale proceeds and shall be transferred 10915  
from the forestry holding account redistribution fund to the state 10916  
forest fund. 10917

The remaining amount of the total sale proceeds equals the 10918  
net value of the standing timber that was sold. The chief shall 10919  
determine the net value of standing timber sold from state forest 10920  
lands and state forest nurseries in each county, in each township 10921  
within the county, and in each school district within the county 10922  
and shall send to each county treasurer a copy of the 10923

determination at the time that moneys are paid to the county treasurer under this division. 10924  
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Twenty-five per cent of the net value of standing timber sold from state forest lands and state forest nurseries located in a county shall be transferred from the forestry holding account redistribution fund to the state forest fund. Ten per cent of that net value shall be transferred from the forestry holding account redistribution fund to the general revenue fund. The remaining sixty-five per cent of the net value shall be transferred from the forestry holding account redistribution fund and paid to the county treasurer for the use of the general fund of that county. 10926  
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The county auditor shall do all of the following: 10935

(1) Retain for the use of the general fund of the county one-fourth of the amount received by the county under division (D) of this section; 10936  
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(2) Pay into the general fund of any township located within the county and containing such lands and nurseries one-fourth of the amount received by the county from standing timber sold from lands and nurseries located in the township; 10939  
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(3) Request the board of education of any school district located within the county and containing such lands and nurseries to identify which fund or funds of the district should receive the moneys available to the school district under division (D)(3) of this section. After receiving notice from the board, the county auditor shall pay into the fund or funds so identified one-half of the amount received by the county from standing timber sold from lands and nurseries located in the school district, distributed proportionately as identified by the board. 10943  
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The division of forestry shall not supply logs, lumber, or other forest products or minerals, taken from the state forest lands or state forest nurseries, to any other agency or 10952  
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subdivision of the state unless payment is made therefor in the 10955  
amount of the actual prevailing value thereof. This section is 10956  
applicable to the moneys so received. 10957

**Sec. 1504.02.** (A) The division of real estate and land 10958  
management shall do all of the following: 10959

(1) Except as otherwise provided in the Revised Code, 10960  
coordinate and conduct all real estate functions for the 10961  
department of natural resources, including at least acquisitions 10962  
by purchase, lease, gift, devise, bequest, appropriation, or 10963  
otherwise; grants through sales, leases, exchanges, easements, and 10964  
licenses; inventories of land; and other related general 10965  
management duties; 10966

(2) Assist the department and its divisions by providing 10967  
department-wide planning, including at least master planning, 10968  
comprehensive planning, capital improvements planning, and special 10969  
purpose planning such as trails coordination and planning under 10970  
section 1519.03 of the Revised Code; 10971

~~(3) On behalf of the director of natural resources, 10972  
administer the coastal management program established under 10973  
sections 1506.01 to 1506.03 and 1506.05 to 1506.09 of the Revised 10974  
Code and consult with and provide coordination among state 10975  
agencies, political subdivisions, the United States and agencies 10976  
of it, and interstate, regional, and areawide agencies to assist 10977  
the director in executing the director's duties and 10978  
responsibilities under that program and to assist the department 10979  
as the lead agency for the development and implementation of the 10980  
program; 10981~~

~~(4) On behalf of the director, administer sections 1506.10 10982  
and 1506.11 and sections 1506.31 to 1506.36 of the Revised Code; 10983~~

~~(5) Cooperate with the United States and agencies of it and 10984~~

with political subdivisions in administering federal recreation 10985  
moneys under the "Land and Water Conservation Fund Act of 1965," 10986  
78 Stat. 897, 16 U.S.C.A. 4601-8, as amended; prepare and 10987  
distribute the statewide comprehensive outdoor recreation plan; 10988  
and administer the state recreational vehicle fund created in 10989  
section 4519.11 of the Revised Code; 10990

~~(6)~~(4)(a) Support the geographic information system needs for 10991  
the department as requested by the director, which shall include, 10992  
but not be limited to, all of the following: 10993

(i) Assisting in the training and education of department 10994  
resource managers, administrators, and other staff in the 10995  
application and use of geographic information system technology; 10996

(ii) Providing technical support to the department in the 10997  
design, preparation of data, and use of appropriate geographic 10998  
information system applications in order to help solve resource 10999  
related problems and to improve the effectiveness and efficiency 11000  
of department delivered services; 11001

(iii) Creating, maintaining, and documenting spatial digital 11002  
data bases for the division and for other divisions as assigned by 11003  
the director. 11004

(b) Provide information to and otherwise assist government 11005  
officials, planners, and resource managers in understanding land 11006  
use planning and resource management; 11007

(c) Provide continuing assistance to local government 11008  
officials and others in natural resource digital data base 11009  
development and in applying and utilizing the geographic 11010  
information system for land use planning, current agricultural use 11011  
value assessment, development reviews, coastal management, and 11012  
other resource management activities; 11013

(d) Coordinate and administer the remote sensing needs of the 11014  
department, including the collection and analysis of aerial 11015

photography, satellite data, and other data pertaining to land, 11016  
water, and other resources of the state; 11017

(e) Prepare and publish maps and digital data relating to the 11018  
state's land use and land cover over time on a local, regional, 11019  
and statewide basis; 11020

(f) Locate and distribute hard copy maps, digital data, 11021  
aerial photography, and other resource data and information to 11022  
government agencies and the public. 11023

~~(7)~~(5) Prepare special studies and execute any other duties, 11024  
functions, and responsibilities requested by the director. 11025

(B) The division may do any of the following: 11026

(1) Coordinate such environmental matters concerning the 11027  
department and the state as are necessary to comply with the 11028  
"National Environmental Policy Act of 1969," 83 Stat. 852, 42 11029  
U.S.C.A. 4321, as amended, the "Intergovernmental Cooperation Act 11030  
of 1968," 82 Stat. 1098, 31 U.S.C.A. 6506, and the "Federal Water 11031  
Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C.A. 1251, as 11032  
amended, and regulations adopted under those acts; 11033

(2) With the approval of the director, coordinate and 11034  
administer compensatory mitigation grant programs and other 11035  
programs for streams and wetlands as approved in accordance with 11036  
certifications and permits issued under sections 401 and 404 of 11037  
the "Federal Water Pollution Control Act", 91 Stat. 1566(1977), 33 11038  
U.S.C.A. 1251, as amended, by the environmental protection agency 11039  
and the United States army corps of engineers; 11040

(3) Administer any state or federally funded grant program 11041  
that is related to natural resources and recreation as considered 11042  
necessary by the director. 11043

**Sec. 1506.01.** As used in this chapter: 11044

(A) "Coastal area" means the waters of Lake Erie, the islands 11045

in the lake, and the lands under and adjacent to the lake, 11046  
including transitional areas, wetlands, and beaches. The coastal 11047  
area extends in Lake Erie to the international boundary line 11048  
between the United States and Canada and landward only to the 11049  
extent necessary to include shorelands, the uses of which have a 11050  
direct and significant impact on coastal waters as determined by 11051  
the director of natural resources. 11052

(B) "Coastal management program" means the comprehensive 11053  
action of the state and its political subdivisions cooperatively 11054  
to preserve, protect, develop, restore, or enhance the resources 11055  
of the coastal area and to ensure wise use of the land and water 11056  
resources of the coastal area, giving attention to natural, 11057  
cultural, historic, and aesthetic values; agricultural, 11058  
recreational, energy, and economic needs; and the national 11059  
interest. "Coastal management program" includes the establishment 11060  
of objectives, policies, standards, and criteria concerning, 11061  
without limitation, protection of air, water, wildlife, rare and 11062  
endangered species, wetlands and natural areas, and other natural 11063  
resources in the coastal area; management of coastal development 11064  
and redevelopment; preservation and restoration of historic, 11065  
cultural, and aesthetic coastal features; and public access to the 11066  
coastal area for recreation purposes. 11067

(C) "Coastal management program document" means a 11068  
comprehensive statement consisting of, without limitation, text, 11069  
maps, and illustrations that is adopted by the director in 11070  
accordance with this chapter, describes the objectives, policies, 11071  
standards, and criteria of the coastal management program for 11072  
guiding public and private uses of lands and waters in the coastal 11073  
area, lists the governmental agencies, including, without 11074  
limitation, state agencies, involved in implementing the coastal 11075  
management program, describes their applicable policies and 11076  
programs, and cites the statutes and rules under which they may 11077

adopt and implement those policies and programs. 11078

(D) "Person" means any agency of this state, any political 11079  
subdivision of this state or of the United States, and any legal 11080  
entity defined as a person under section 1.59 of the Revised Code. 11081

(E) "Director" means the director of natural resources or the 11082  
director's designee. 11083

(F) "Permanent structure" means any residential, commercial, 11084  
industrial, institutional, or agricultural building, any mobile 11085  
home as defined in division (O) of section 4501.01 of the Revised 11086  
Code, any manufactured home as defined in division (C)(4) of 11087  
section 3781.06 of the Revised Code, and any septic system that 11088  
receives sewage from a single-family, two-family, or three-family 11089  
dwelling, but does not include any recreational vehicle as defined 11090  
in section 4501.01 of the Revised Code. 11091

(G) "State agency" or "agency of the state" has the same 11092  
meaning as "agency" as defined in section 111.15 of the Revised 11093  
Code. 11094

(H) "Coastal flood hazard area" means any territory within 11095  
the coastal area that has been identified as a flood hazard area 11096  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 11097  
42 U.S.C.A. 4002, as amended. 11098

(I) "Coastal erosion area" means any territory included in 11099  
Lake Erie coastal erosion areas identified by the director under 11100  
section 1506.06 of the Revised Code. 11101

(J) "Conservancy district" means a conservancy district that 11102  
is established under Chapter 6101. of the Revised Code. 11103

(K) "Park board" means the board of park commissioners of a 11104  
park district that is created under Chapter 1545. of the Revised 11105  
Code. 11106

(L) "Erosion control structure" means a structure that is 11107

designed solely and specifically to reduce or control erosion of 11108  
the shore along or near Lake Erie, including, without limitation, 11109  
revetments, seawalls, bulkheads, certain breakwaters, and similar 11110  
structures. 11111

(M) "Shore structure" includes, but is not limited to, 11112  
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 11113  
certain dikes designated by the chief of the division of water; 11114  
piers; docks; jetties; wharves; marinas; boat ramps; any 11115  
associated fill or debris used as part of the construction of 11116  
shore structures that may affect shore erosion, wave action, or 11117  
inundation; and fill or debris that is placed along or near the 11118  
shore, including bluffs, banks, or beach ridges, for the purpose 11119  
of stabilizing slopes. 11120

**Sec. ~~1521.20~~ 1506.38.** The chief director of the ~~division of~~ 11121  
~~water~~ natural resources shall act as the erosion agent of the 11122  
state for the purpose of cooperating with the secretary of the 11123  
army, acting through the chief of engineers of the United States 11124  
army corps of engineers in the department of defense. The ~~chief~~ 11125  
director shall cooperate with the secretary in carrying out, and 11126  
may conduct, investigations and studies of conditions along the 11127  
shorelines of Lake Erie and of the bays and projections therefrom, 11128  
and of the islands therein, within the territorial waters of the 11129  
state, with a view to devising and perfecting economical and 11130  
effective methods and works for preventing, correcting, and 11131  
controlling shore erosion and damage therefrom and controlling the 11132  
inundation of improved property by the waters of Lake Erie, its 11133  
bays, and associated inlets. 11134

**Sec. ~~1521.21~~ 1506.39.** The chief director of the ~~division of~~ 11135  
~~water~~ natural resources, in the discharge of the ~~chief's~~ 11136  
director's duties under sections ~~1507.20~~ 1506.38 to ~~1507.30~~ 11137  
1506.48 of the Revised Code, may call to the ~~chief's~~ director's 11138

assistance, temporarily, any engineers or other employees in any 11139  
state department, or in the Ohio state university or other 11140  
educational institutions financed wholly or in part by the state, 11141  
for the purpose of devising the most effective and economical 11142  
methods of controlling shore erosion and damage from it and 11143  
controlling the inundation of improved property by the waters of 11144  
Lake Erie and its bays and associated inlets. 11145

Such engineers and employees shall not receive any additional 11146  
compensation over that which they receive from the departments or 11147  
institutions by which they are employed, but they shall be 11148  
reimbursed for their actual necessary expenses incurred while 11149  
working under the direction of the ~~chief~~ director on erosion and 11150  
inundation projects. 11151

**Sec. ~~1521.22~~ 1506.40.** No person shall construct a beach, 11152  
groin, or other structure to control erosion, wave action, or 11153  
inundation along or near the Ohio shoreline of Lake Erie, 11154  
including related islands, bays, and inlets, without first 11155  
obtaining a shore structure permit from the ~~chief of the division~~ 11156  
director of ~~water.~~ The natural resources. 11157

The application for a ~~shore structure~~ permit shall include 11158  
detailed plans and specifications prepared by a professional 11159  
engineer registered under Chapter 4733. of the Revised Code. An 11160  
applicant shall provide appropriate evidence of compliance with 11161  
any applicable provisions of this chapter and Chapters 1505. and 11162  
~~1506.~~ 1521. of the Revised Code, as determined by the ~~chief~~ 11163  
director. A temporary shore structure permit may be issued by the 11164  
~~chief or an authorized representative of the chief~~ director if it 11165  
is determined necessary to safeguard life, health, or property. 11166

Each application or reapplication for a permit under this 11167  
section shall be accompanied by a non-refundable fee as the ~~chief~~ 11168  
director shall prescribe by rule. 11169

If the application is approved, the ~~chief~~ director shall 11170  
issue a permit to the applicant authorizing construction of the 11171  
project. If requested in writing by the applicant within thirty 11172  
days of issuance of a notice of disapproval of the application, 11173  
the ~~chief~~ director shall conduct an adjudication hearing under 11174  
Chapter 119. of the Revised Code, except sections 119.12 and 11175  
119.121 of the Revised Code. After reviewing the record of the 11176  
hearing, the ~~chief~~ director shall issue a final order approving 11177  
the application, disapproving it, or approving it conditioned on 11178  
the making of specified revisions in the plans and specifications. 11179

The ~~chief~~ director, by rule, shall limit the period during 11180  
which a construction permit issued under this section is valid and 11181  
shall establish reapplication requirements governing a 11182  
construction permit that expires before construction is completed. 11183

In accordance with Chapter 119. of the Revised Code, the 11184  
~~chief~~ director shall adopt, and may amend or rescind, such rules 11185  
as are necessary for the administration, implementation, and 11186  
enforcement of this section. 11187

**Sec. ~~1521.23~~ 1506.41.** All moneys derived from the granting of 11188  
permits and leases under section 1505.07 of the Revised Code for 11189  
the removal of sand, gravel, stone, gas, oil, and other minerals 11190  
and substances from and under the bed of Lake Erie and from 11191  
applications for shore structure permits submitted under section 11192  
~~1521.22~~ 1506.40 of the Revised Code shall be paid into the state 11193  
treasury to the credit of the permit and lease fund, which is 11194  
hereby created. Notwithstanding any section of the Revised Code 11195  
relating to the distribution or crediting of fines for violations 11196  
of the Revised Code, all fines imposed under division (A) of 11197  
section 1505.99 of the Revised Code and under division (C) of 11198  
section ~~1521.99~~ 1506.99 of the Revised Code shall be paid into 11199  
that fund. The fund shall be administered by the department of 11200

natural resources for the protection of Lake Erie shores and 11201  
waters; investigation and control of erosion; the planning, 11202  
development, and construction of facilities for recreational use 11203  
of Lake Erie; implementation of section ~~1521.22~~ 1506.40 of the 11204  
Revised Code; preparation of the state shore erosion plan under 11205  
section ~~1521.29~~ 1506.47 of the Revised Code; and state 11206  
administration of Lake Erie coastal erosion areas under sections 11207  
1506.06 and 1506.07 of the Revised Code. 11208

**Sec. ~~1521.24~~ 1506.42.** The state, acting through the ~~chief~~ 11209  
~~director of the division of water~~ natural resources, subject to 11210  
section ~~1521.28~~ 1506.46 of the Revised Code, may enter into 11211  
agreements with counties, townships, municipal corporations, park 11212  
boards, and conservancy districts, other political subdivisions, 11213  
or any state departments or divisions for the purpose of 11214  
constructing and maintaining projects to control erosion along the 11215  
Ohio shoreline of Lake Erie and in any rivers and bays that are 11216  
connected with Lake Erie and any other watercourses that flow into 11217  
Lake Erie. Such projects also may be constructed on any Lake Erie 11218  
island that is situated within the boundaries of the state. 11219

The cost of such shore erosion projects that are for the 11220  
benefit of public littoral property shall be prorated on the basis 11221  
of two-thirds of the total cost to the state through 11222  
appropriations made to the ~~division~~ department of ~~water~~ natural 11223  
resources and one-third of the cost to the counties, townships, 11224  
municipal corporations, park boards, conservancy districts, or 11225  
other political subdivisions. 11226

If a shore erosion emergency is declared by the governor, the 11227  
state, acting through the ~~chief~~ director, may spend whatever state 11228  
funds are available to alleviate shore erosion, without 11229  
participation by any political subdivision, regardless of whether 11230  
the project will benefit public or private littoral property. 11231

A board of county commissioners, acting for the county over which it has jurisdiction, may enter into and carry out agreements with the ~~chief~~ director for the construction and maintenance of projects to control shore erosion. In providing the funds for the county's proportionate share of the cost of constructing and maintaining the projects referred to in this section, the board shall be governed by and may issue and refund bonds in accordance with Chapter 133. of the Revised Code.

A municipal corporation or a township, acting through the legislative authority or the board of township trustees, may enter into and carry out agreements with the ~~chief~~ director for the purpose of constructing and maintaining projects to control shore erosion. In providing the funds for the municipal corporation's or township's proportionate share of the cost of constructing and maintaining the projects referred to in this section, a municipal corporation or township may issue and refund bonds in accordance with Chapter 133. of the Revised Code. The contract shall be executed on behalf of the municipal corporation or township by the mayor, city manager, or other chief executive officer who has the authority to act for the municipal corporation or township.

Conservancy districts may enter into and carry out agreements with the ~~chief~~ director, in accordance with the intent of this section, under the powers conferred upon conservancy districts under Chapter 6101. of the Revised Code.

Park boards may enter into and carry out agreements with the ~~chief~~ director, in accordance with the intent of this section, and issue bonds for that purpose under the powers conferred upon park districts under Chapter 1545. of the Revised Code.

The ~~chief~~ director shall approve and supervise all projects that are to be constructed in accordance with this section. The ~~chief~~ director shall not proceed with the construction of any project until all funds that are to be paid by the county,

township, municipal corporation, park board, or conservancy 11264  
district, in accordance with the terms of the agreement entered 11265  
into between the ~~chief~~ director and the county, township, 11266  
municipal corporation, park board, or conservancy district, are in 11267  
the ~~chief's~~ director's possession and deposited in the shore 11268  
erosion fund, which is hereby created in the state treasury. If 11269  
the ~~chief~~ director finds it to be in the best interests of the 11270  
state to construct projects as set forth in this section by the 11271  
state itself, without the financial contribution of counties, 11272  
townships, municipal corporations, park boards, or conservancy 11273  
districts, the ~~chief~~ director may construct the projects. 11274

In deciding whether to assist a county or municipal 11275  
corporation in constructing and maintaining a project under this 11276  
section, the state, acting through the ~~chief~~ director, shall 11277  
consider, among other factors, whether the county or municipal 11278  
corporation has adopted or is in the process of adopting a Lake 11279  
Erie coastal erosion area resolution or ordinance under division 11280  
(D) of section 1506.07 of the Revised Code. 11281

All projects constructed by the state in conformity with 11282  
sections ~~1521.20~~ 1506.38 to ~~1521.28~~ 1506.46 of the Revised Code 11283  
shall be constructed subject to sections 153.01 to 153.20 of the 11284  
Revised Code, except that the state architect and engineer is not 11285  
required to prepare the plans and specifications for those 11286  
projects. 11287

**Sec. ~~1521.25~~ 1506.43.** The ~~chief~~ director of the ~~division of~~ 11288  
~~water~~ natural resources may enter into a contract with any county, 11289  
township, municipal corporation, conservancy district, or park 11290  
board that has an agreement with the state in accordance with 11291  
section ~~1521.24~~ 1506.42 of the Revised Code for the construction 11292  
of a shore erosion project. No contract shall be let until all 11293  
money that is to be paid by the political subdivision entering 11294

into the agreement has been deposited in the shore erosion fund 11295  
created in that section ~~1521.24~~ of the Revised Code, and no 11296  
~~contract shall be valid until approved by the director of natural~~ 11297  
~~resources.~~ 11298

**Sec. ~~1521.26~~ 1506.44.** (A) A board of county commissioners may 11299  
use a loan obtained under division (C) of this section to provide 11300  
financial assistance to any person who owns real property in a 11301  
coastal erosion area, ~~as defined in section 1506.01 of the Revised~~ 11302  
~~Code,~~ and who has received a permit under section ~~1521.22~~ 1506.40 11303  
of the Revised Code to construct an erosion control structure in 11304  
that coastal erosion area. The board shall enter into an agreement 11305  
with the person that complies with all of the following 11306  
requirements: 11307

(1) The agreement shall identify the person's real property 11308  
for which the erosion control structure is being constructed and 11309  
shall include a legal description of that property and a reference 11310  
to the volume and page of the deed record in which the title of 11311  
that person to that property is recorded. 11312

(2) In accordance with rules adopted by the Ohio water 11313  
development authority under division (V) of section 6121.04 of the 11314  
Revised Code for the purposes of division (C) of this section and 11315  
pursuant to an agreement between the board and the authority under 11316  
that division, the board shall agree to cause payments to be made 11317  
by the authority to the contractor hired by the person to 11318  
construct an erosion control structure in amounts not to exceed 11319  
the total amount specified in the agreement between the board and 11320  
the person. 11321

(3) The person shall agree to pay to the board, or to the 11322  
authority as the assignee pursuant to division (C) of this 11323  
section, the total amount of the payments plus administrative or 11324  
other costs of the board or the authority at times, in 11325

installments, and bearing interest as specified in the agreement. 11326

The agreement may contain additional provisions that the 11327  
board determines necessary to safeguard the interests of the 11328  
county or to comply with an agreement entered into under division 11329  
(C) of this section. 11330

(B) Upon entering into an agreement under division (A) of 11331  
this section, the board shall do all of the following: 11332

(1) Cause the agreement to be recorded in the county deed 11333  
records in the office of the county recorder of the county in 11334  
which the real property is situated. Failure to record the 11335  
agreement does not affect the validity of the agreement or the 11336  
collection of any amounts due under the agreement. 11337

(2) Establish by resolution an erosion control repayment fund 11338  
into which shall be deposited all amounts collected under division 11339  
(B)(3) of this section. Moneys in that fund shall be used by the 11340  
board for the repayment of the loan and for administrative or 11341  
other costs of the board or the authority as specified in an 11342  
agreement entered into under division (C) of this section. If the 11343  
amount of money in the fund is inadequate to repay the loan when 11344  
due, the board of county commissioners, by resolution, may advance 11345  
money from any other fund in order to repay the loan if that use 11346  
of the money from the other fund is not in conflict with law. If 11347  
the board so advances money in order to repay the loan, the board 11348  
subsequently shall reimburse each fund from which the board 11349  
advances money with moneys from the erosion control repayment 11350  
fund. 11351

(3) Bill and collect all amounts when due under the agreement 11352  
entered into under division (A) of this section. The board shall 11353  
certify amounts not paid when due to the county auditor, who shall 11354  
enter the amounts on the real property tax list and duplicate 11355  
against the property identified under division (A)(1) of this 11356

section. The amounts not paid when due shall be a lien on that 11357  
property from the date on which the amounts are placed on the tax 11358  
list and duplicate and shall be collected in the same manner as 11359  
other taxes. 11360

(C) A board may apply to the authority for a loan for the 11361  
purpose of entering into agreements under division (A) of this 11362  
section. The loan shall be for an amount and on the terms 11363  
established in an agreement between the board and the authority. 11364  
The board may assign any agreements entered into under division 11365  
(A) of this section to the authority in order to provide for the 11366  
repayment of the loan and may pledge any lawfully available 11367  
revenues to the repayment of the loan, provided that no moneys 11368  
raised by taxation shall be obligated or pledged by the board for 11369  
the repayment of the loan. Any agreement with the authority 11370  
pursuant to this division is not subject to Chapter 133. of the 11371  
Revised Code or any requirements or limitations established in 11372  
that chapter. 11373

(D) The authority, as assignee of any agreement pursuant to 11374  
division (C) of this section, may enforce and compel the board and 11375  
the county auditor by mandamus pursuant to Chapter 2731. of the 11376  
Revised Code to comply with division (B) of this section in a 11377  
timely manner. 11378

(E) The construction of an erosion control structure by a 11379  
contractor hired by an individual homeowner, group of individual 11380  
homeowners, or homeowners association that enters into an 11381  
agreement with a board under division (A) of this section is not a 11382  
public improvement, as defined in section 4115.03 of the Revised 11383  
Code, and is not subject to competitive bidding or public bond 11384  
laws. 11385

**Sec. ~~1521.27~~ 1506.45.** The state, or any county, township, 11386  
municipal corporation, conservancy district, or park board that 11387

has entered into a contract under section ~~1521.25~~ 1506.43 of the 11388  
Revised Code, may acquire lands by gift or devise, purchase, or 11389  
appropriation. In case of appropriation, the proceedings shall be 11390  
instituted in the name of the state or the political subdivision 11391  
and shall be conducted in the manner provided for the 11392  
appropriation of private property by the state or the political 11393  
subdivision insofar as those proceedings are applicable. Either 11394  
the fee or any lesser interest may be acquired as the state or the 11395  
political subdivision considers advisable. 11396

**Sec. ~~1521.28~~ 1506.46.** Any action taken by the ~~chief director~~ 11397  
of ~~the division of water~~ natural resources under sections ~~1521.20~~ 11398  
1506.38 to ~~1521.30~~ 1506.48 of the Revised Code shall not be deemed 11399  
in conflict with certain powers and duties conferred upon and 11400  
delegated to federal agencies and to municipal corporations under 11401  
Section 7 of Article XVIII, Ohio Constitution, or as provided by 11402  
sections 721.04 to 721.11 of the Revised Code. 11403

**Sec. ~~1521.29~~ 1506.47.** The ~~chief director~~ of ~~the division of~~ 11404  
~~water~~ natural resources, in cooperation with appropriate offices 11405  
and divisions, including the division of geological survey, may 11406  
prepare a plan for the management of shore erosion in the state 11407  
along Lake Erie, its bays, and associated inlets, revise the plan 11408  
whenever it can be made more effective, and make the plan 11409  
available for public inspection. In the preparation of the plan, 11410  
the ~~chief director~~ may employ such existing plans as are 11411  
available. 11412

The ~~chief director~~ also may establish a program to provide 11413  
technical assistance on shore erosion control measures to 11414  
municipal corporations, counties, townships, conservancy 11415  
districts, park boards, and shoreline property owners. 11416

**Sec. ~~1521.30~~ 1506.48.** Upon application of any owner of real 11417

property damaged or destroyed by shore erosion, the county auditor 11418  
of the county in which the real property is situated shall cause a 11419  
reappraisal to be made and shall place the property on the tax 11420  
list at its true value in money. 11421

Whenever the county auditor finds that ninety per cent or 11422  
more of the area of any littoral parcel of land appearing upon the 11423  
tax duplicate has been eroded and lies within the natural 11424  
boundaries of Lake Erie and that the remainder of the parcel, if 11425  
any, has no taxable value, the auditor may certify that finding to 11426  
the county board of revision. Upon consideration thereof, the 11427  
board may authorize removal of the parcel from the tax duplicate 11428  
and cancellation of all current and delinquent taxes, assessments, 11429  
interest, and penalties charged against the parcel. 11430

**Sec. 1506.99.** (A) Whoever violates division (A) of section 11431  
1506.09 of the Revised Code shall be fined not less than one 11432  
hundred nor more than five hundred dollars for each offense. 11433

(B) Whoever violates division (K) of section 1506.32 of the 11434  
Revised Code is guilty of a misdemeanor of the third degree. 11435

(C) Whoever violates sections 1506.38 to 1506.48 of the 11436  
Revised Code shall be fined not less than one hundred dollars nor 11437  
more than five hundred dollars for each offense. Each day of 11438  
violation constitutes a separate offense. 11439

**Sec. 1521.01.** As used in sections 1521.01 to 1521.05, and 11440  
1521.13 to 1521.18, ~~and 1521.20 to 1521.30~~ of the Revised Code: 11441

(A) "Consumptive use," "diversion," "Lake Erie drainage 11442  
basin," "other great lakes states and provinces," "water 11443  
resources," and "waters of the state" have the same meanings as in 11444  
section 1501.30 of the Revised Code. 11445

(B) "Well" means any excavation, regardless of design or 11446  
method of construction, created for any of the following purposes: 11447

(1) Removing ground water from or recharging water into an aquifer, excluding subsurface drainage systems installed to enhance agricultural crop production or urban or suburban landscape management or to control seepage in dams, dikes, and levees;	11448 11449 11450 11451 11452
(2) Determining the quantity, quality, level, or movement of ground water in or the stratigraphy of an aquifer, excluding borings for instrumentation in dams, dikes, levees, or highway embankments;	11453 11454 11455 11456
(3) Removing or exchanging heat from ground water, excluding horizontal trenches that are installed for water source heat pump systems.	11457 11458 11459
(C) "Aquifer" means a consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store, or transmit water.	11460 11461 11462 11463
(D) "Ground water" means all water occurring in an aquifer.	11464
(E) "Ground water stress area" means a definable geographic area in which ground water quantity is being affected by human activity or natural forces to the extent that continuous availability of supply is jeopardized by withdrawals.	11465 11466 11467 11468
(F) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes the United States, the state, any political subdivision of the state, and any department, division, board, commission, agency, or instrumentality of the United States, the state, or a political subdivision of the state.	11469 11470 11471 11472 11473
(G) "State agency" or "agency of the state" has the same meaning as "agency" in section 111.15 of the Revised Code.	11474 11475
(H) "Development" means any artificial change to improved or unimproved real estate, including the construction of buildings	11476 11477

and other structures, any substantial improvement of a structure, 11478  
mining, dredging, filling, grading, paving, excavating, and 11479  
drilling operations, and storage of equipment or materials. 11480

(I) "Floodplain" means the area adjoining any river, stream, 11481  
watercourse, or lake that has been or may be covered by flood 11482  
water. 11483

(J) "Floodplain management" means the implementation of an 11484  
overall program of corrective and preventive measures for reducing 11485  
flood damage, including the collection and dissemination of flood 11486  
information, construction of flood control works, nonstructural 11487  
flood damage reduction techniques, and adoption of rules, 11488  
ordinances, or resolutions governing development in floodplains. 11489

(K) "One-hundred-year flood" means a flood having a one per 11490  
cent chance of being equaled or exceeded in any given year. 11491

(L) "One-hundred-year floodplain" means that portion of a 11492  
floodplain inundated by a one-hundred-year flood. 11493

(M) "Structure" means a walled and roofed building, 11494  
including, without limitation, gas or liquid storage tanks, mobile 11495  
homes, and manufactured homes. 11496

(N) "Substantial improvement" means any reconstruction, 11497  
rehabilitation, addition, or other improvement of a structure, the 11498  
cost of which equals or exceeds fifty per cent of the market value 11499  
of the structure before the start of construction of the 11500  
improvement. "Substantial improvement" includes repairs to 11501  
structures that have incurred substantial damage regardless of the 11502  
actual repair work performed. "Substantial improvement" does not 11503  
include either of the following: 11504

(1) Any project for the improvement of a structure to correct 11505  
existing violations of state or local health, sanitary, or safety 11506  
code specifications that have been identified by the state or 11507  
local code enforcement official having jurisdiction and that are 11508

the minimum necessary to ensure safe living conditions; 11509

(2) Any alteration of an historic structure designated or 11510  
listed pursuant to federal or state law, provided that the 11511  
alteration will not preclude the structure's continued listing or 11512  
designation as an historic structure. 11513

~~(O) "Shore structure" includes, but is not limited to:~~ 11514  
~~beaches; groins; revetments; bulkheads; seawalls; breakwaters;~~ 11515  
~~certain dikes designated by the chief of the division of water;~~ 11516  
~~piers; docks; jetties; wharves; marinas; boat ramps; any~~ 11517  
~~associated fill or debris used as part of the construction of~~ 11518  
~~shore structures that may affect shore erosion, wave action, or~~ 11519  
~~inundation; and fill or debris placed along or near the shore,~~ 11520  
~~including bluffs, banks, or beach ridges, for the purpose of~~ 11521  
~~stabilizing slopes.~~ 11522

~~(P)~~ "Substantial damage" means damage of any origin that is 11523  
sustained by a structure if the cost of restoring the structure to 11524  
its condition prior to the damage would equal or exceed fifty per 11525  
cent of the market value of the structure before the damage 11526  
occurred. 11527

~~(Q)~~(P) "National flood insurance program" means the national 11528  
flood insurance program established in the "National Flood 11529  
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, 11530  
and regulations adopted under it. 11531

~~(R)~~(O) "Conservancy district" means a conservancy district 11532  
established under Chapter 6101. of the Revised Code. 11533

~~(S)~~ "Park board" means the board of park commissioners of a 11534  
park district created under Chapter 1545. of the Revised Code. 11535

~~(T)~~ "Erosion control structure" means anything that is 11536  
designed primarily to reduce or control erosion of the shore along 11537  
or near lake erie, including, but not limited to, revetments, 11538  
seawalls, bulkheads, certain breakwaters designated by the chief, 11539

~~and similar structures. "Erosion control structure" does not 11540  
include wharves, piers, docks, marinas, boat ramps, and other 11541  
similar structures. 11542~~

**Sec. 1521.99.** (A) Whoever violates division (E)(1) of section 11543  
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 11544  
is guilty of a misdemeanor of the fourth degree. 11545

(B) Whoever violates section 1521.06 or 1521.062 of the 11546  
Revised Code shall be fined not less than one hundred dollars nor 11547  
more than one thousand dollars for each offense. Each day of 11548  
violation constitutes a separate offense. 11549

~~(C) Whoever violates sections 1521.20 to 1521.30 of the 11550  
Revised Code shall be fined not less than one hundred dollars nor 11551  
more than one thousand dollars for each offense. Each day of 11552  
violation constitutes a separate offense. 11553~~

**Sec. 1531.06.** (A) The chief of the division of wildlife, with 11554  
the approval of the director of natural resources, may acquire by 11555  
gift, lease, purchase, or otherwise lands or surface rights upon 11556  
lands and waters or surface rights upon waters for wild animals, 11557  
fish or game management, preservation, propagation, and 11558  
protection, outdoor and nature activities, public fishing and 11559  
hunting grounds, and flora and fauna preservation. The chief, with 11560  
the approval of the director, may receive by grant, devise, 11561  
bequest, donation, or assignment evidences of indebtedness, the 11562  
proceeds of which are to be used for the purchase of such lands or 11563  
surface rights upon lands and waters or surface rights upon 11564  
waters. 11565

(B)(1) The chief shall adopt rules for the protection of 11566  
state-owned or leased lands and waters and property under the 11567  
control of the division of wildlife against wrongful use or 11568  
occupancy that will ensure the carrying out of the intent of this 11569

section, protect those lands, waters, and property from 11570  
depredations, and preserve them from molestation, spoilation, 11571  
destruction, or any improper use or occupancy thereof, including 11572  
rules with respect to recreational activities and for the 11573  
government and use of such lands, waters, and property. 11574

(2) The chief may adopt rules benefiting wild animals, fish 11575  
or game management, preservation, propagation, and protection, 11576  
outdoor and nature activities, public fishing and hunting grounds, 11577  
and flora and fauna preservation, and regulating the taking and 11578  
possession of wild animals on any lands or waters owned or leased 11579  
or under the division's supervision and control and, for a 11580  
specified period of years, may prohibit or recall the taking and 11581  
possession of any wild animal on any portion of such lands or 11582  
waters. The division clearly shall define and mark the boundaries 11583  
of the lands and waters owned or leased or under its supervision 11584  
and control upon which the taking of any wild animal is 11585  
prohibited. 11586

(C) The chief, with the approval of the director, may acquire 11587  
by gift, lease, or purchase land for the purpose of establishing 11588  
state fish hatcheries and game farms and may erect on it buildings 11589  
or structures that are necessary. 11590

The title to or lease of such lands and waters shall be taken 11591  
by the chief in the name of the state. The lease or purchase price 11592  
of all such lands and waters may be paid from hunting and trapping 11593  
and fishing licenses and any other funds. 11594

(D) To provide more public recreation, stream and lake 11595  
agreements for public fishing only may be obtained under rules 11596  
adopted by the chief. 11597

(E) The chief, with the approval of the director, may 11598  
establish user fees for the use of special public facilities or 11599  
participation in special activities on lands and waters 11600

administered by the division. The special facilities and 11601  
activities may include hunting or fishing on special designated 11602  
public lands and waters intensively managed or stocked with 11603  
artificially propagated game birds or fish, field trial 11604  
facilities, wildlife nature centers, firearm ranges, boat mooring 11605  
facilities, camping sites, and other similar special facilities 11606  
and activities. The chief shall determine whether the user fees 11607  
are refundable and shall ensure that that information is provided 11608  
at the time the user fees are paid. 11609

(F) The chief, with the approval of the director, may enter 11610  
into lease agreements for rental of concessions or other special 11611  
projects situated on state-owned or leased lands or waters or 11612  
other property under the division's control. The chief shall set 11613  
and collect the fees for concession rentals or other special 11614  
projects; regulate through contracts between the division and 11615  
concessionaires the sale of tangible objects at concessions or 11616  
other special projects; and keep a record of all such fee payments 11617  
showing the amount received, from whom received, and for what 11618  
purpose the fee was collected. 11619

(G) The chief may sell or donate conservation-related items 11620  
or items that promote wildlife conservation, including, but not 11621  
limited to, stamps, pins, badges, books, bulletins, maps, 11622  
publications, calendars, and any other educational article or 11623  
artifact pertaining to wild animals; sell confiscated or forfeited 11624  
items; and sell surplus structures and equipment, and timber or 11625  
crops from lands owned, administered, leased, or controlled by the 11626  
division. The chief, with the approval of the director, also may 11627  
engage in campaigns and special events that promote wildlife 11628  
conservation by selling or donating wildlife-related materials, 11629  
memberships, and other items of promotional value. 11630

(H) The chief may sell, lease, or transfer minerals or 11631  
mineral rights, with the approval of the director, when the chief 11632

and the director determine it to be in the best interest of the state. Upon approval of the director, the chief may make, execute, and deliver contracts, including leases, to mine, drill, or excavate iron ore, stone, coal, petroleum, gas, salt, and other minerals upon and under lands owned by the state and administered by the division to any person who complies with the terms of such a contract. No such contract shall be valid for more than fifty years from its effective date. Consideration for minerals and mineral rights shall be by rental or royalty basis as prescribed by the chief and payable as prescribed by contract. Moneys collected under this division shall be paid into the state treasury to the credit of the wildlife habitat fund created in section 1531.33 of the Revised Code. Contracts entered into under this division also may provide for consideration for minerals or mineral rights in the form of acquisition of lands as provided under divisions (A) and (C) of this section.

(I) All moneys received under divisions (E), (F), and (G) of this section shall be paid into the state treasury to the credit of a fund that shall be used for the purposes outlined in section 1533.15 of the Revised Code and for the management of other wild animals for their ecological and nonconsumptive recreational value or benefit.

(J) The chief, with the approval of the director, may barter or sell wild animals to other states, state or federal agencies, and conservation or zoological organizations. Moneys received from the sale of wild animals shall be deposited into the wild animal fund created in section 1531.34 of the Revised Code.

(K) The chief shall adopt rules establishing standards and guidelines for the administration of contraceptive chemicals to noncaptive wild animals. The rules may specify chemical delivery methods and devices and monitoring requirements.

The chief shall establish criteria for the issuance of and

shall issue permits for the administration of contraceptive 11665  
chemicals to noncaptive wild animals. No person shall administer 11666  
contraceptive chemicals to noncaptive wild animals without a 11667  
permit issued by the chief. 11668

(L) All fees set by the chief under this section shall be 11669  
approved by the wildlife council. 11670

(M) Information contained in the wildlife diversity database 11671  
that is established pursuant to division (B)(2) of this section 11672  
and section 1531.25 of the Revised Code may be made available to 11673  
any individual or public or private agency for research, 11674  
educational, environmental, land management, or other similar 11675  
purposes that are not detrimental to the conservation of a species 11676  
or feature. Information regarding sensitive site locations of 11677  
species that are listed pursuant to section 1531.25 of the Revised 11678  
Code and of features that are included in the wildlife diversity 11679  
database is not subject to section 149.43 of the Revised Code if 11680  
the chief determines that the release of the information could be 11681  
detrimental to the conservation of a species or feature. 11682

**Sec. 1531.35.** The wildlife boater angler fund is hereby 11683  
created in the state treasury. The fund shall consist of money 11684  
credited to the fund pursuant to section 5735.051 of the Revised 11685  
Code and other money contributed to the division of wildlife for 11686  
the purposes of the fund. The fund shall be used for boating 11687  
access construction, improvements, and maintenance, and to pay for 11688  
equipment and personnel costs involved with those activities, on 11689  
lakes on which the operation of gasoline-powered watercraft is 11690  
permissible. However, not more than two hundred thousand dollars 11691  
of the annual expenditures from the fund may be used to pay for 11692  
the equipment and personnel costs. 11693

**Sec. 1548.06.** (A)(1) Application for a certificate of title 11694

for a watercraft or outboard motor shall be made upon a form 11695  
prescribed by the chief of the division of watercraft and shall be 11696  
sworn to before a notary public or other officer empowered to 11697  
administer oaths. The application shall be filed with the clerk of 11698  
any court of common pleas. An application for a certificate of 11699  
title may be filed electronically by any electronic means approved 11700  
by the chief in any county with the clerk of the court of common 11701  
pleas of that county. The application shall be accompanied by the 11702  
fee prescribed in section 1548.10 of the Revised Code. The fee 11703  
shall be retained by the clerk who issues the certificate of title 11704  
and shall be distributed in accordance with that section. If a 11705  
clerk of a court of common pleas, other than the clerk of the 11706  
court of common pleas of an applicant's county of residence, 11707  
issues a certificate of title to the applicant, the clerk shall 11708  
transmit data related to the transaction to the automated title 11709  
processing system. 11710

(2) If a certificate of title previously has been issued for 11711  
the watercraft or outboard motor, the application for a 11712  
certificate of title also shall be accompanied by the certificate 11713  
of title duly assigned unless otherwise provided in this chapter. 11714  
If a certificate of title previously has not been issued for the 11715  
watercraft or outboard motor in this state, the application, 11716  
unless otherwise provided in this chapter, shall be accompanied by 11717  
a manufacturer's or importer's certificate; by a sworn statement 11718  
of ownership if the watercraft or outboard motor was purchased by 11719  
the applicant on or before October 9, 1963, or if the watercraft 11720  
is less than fourteen feet long with a permanently affixed 11721  
mechanical means of propulsion and was purchased by the applicant 11722  
on or before January 1, 2000; or by a certificate of title, bill 11723  
of sale, or other evidence of ownership required by the law of 11724  
another state from which the watercraft or outboard motor was 11725  
brought into this state. Evidence of ownership of a watercraft or 11726  
outboard motor for which an Ohio certificate of title previously 11727

has not been issued and which watercraft or outboard motor does 11728  
not have permanently affixed to it a manufacturer's serial number 11729  
shall be accompanied by the certificate of assignment of a hull 11730  
identification number assigned by the chief as provided in section 11731  
1548.07 of the Revised Code. 11732

(3) The clerk shall retain the evidence of title presented by 11733  
the applicant and on which the certificate of title is issued, 11734  
except that, if an application for a certificate of title is filed 11735  
electronically, by a vendor on behalf of a purchaser of a 11736  
watercraft or outboard motor, the clerk shall retain the completed 11737  
electronic record to which the vendor converted the certificate of 11738  
title application and other required documents. The chief, after 11739  
consultation with the attorney general, shall adopt rules that 11740  
govern the location at which, and the manner in which, are stored 11741  
the actual application and all other documents relating to the 11742  
sale of a watercraft or outboard motor when a vendor files the 11743  
application for a certificate of title electronically on behalf of 11744  
a purchaser. 11745

(B) The clerk shall use reasonable diligence in ascertaining 11746  
whether the facts in the application are true by checking the 11747  
application and documents accompanying it or the electronic record 11748  
to which a vendor converted the application and accompanying 11749  
documents with the records of watercraft and outboard motors in 11750  
the clerk's office. If the clerk is satisfied that the applicant 11751  
is the owner of the watercraft or outboard motor and that the 11752  
application is in the proper form, the clerk shall issue a 11753  
physical certificate of title over the clerk's signature and 11754  
sealed with the clerk's seal unless the applicant specifically 11755  
requests the clerk not to issue a physical certificate of title 11756  
and instead to issue an electronic certificate of title. However, 11757  
if the evidence indicates and an investigation shows that one or 11758  
more Ohio titles already exist for the watercraft or outboard 11759

motor, the chief may cause the redundant title or titles to be 11760  
canceled. 11761

(C) In the case of the sale of a watercraft or outboard motor 11762  
by a vendor to a general purchaser or user, the certificate of 11763  
title shall be obtained in the name of the purchaser by the vendor 11764  
upon application signed by the purchaser. In all other cases, the 11765  
certificate shall be obtained by the purchaser. In all cases of 11766  
transfer of watercraft or outboard motors, the application for 11767  
certificate of title shall be filed within thirty days after the 11768  
later of the date of purchase or assignment of ownership of the 11769  
watercraft or outboard motor. If the application for certificate 11770  
of title is not filed within thirty days after the later of the 11771  
date of purchase or assignment of ownership of the watercraft or 11772  
outboard motor, the clerk shall charge a late penalty fee of five 11773  
dollars in addition to the fee prescribed by section 1548.10 of 11774  
the Revised Code. The clerk shall retain the entire amount of each 11775  
late penalty fee. 11776

(D) The clerk shall refuse to accept an application for 11777  
certificate of title unless the applicant either tenders with the 11778  
application payment of all taxes levied by or pursuant to Chapter 11779  
5739. or 5741. of the Revised Code based on the applicant's county 11780  
of residence ~~less, in the case of a sale by a vendor, any discount~~ 11781  
~~to which the vendor is entitled under section 5739.12 of the~~ 11782  
~~Revised Code,~~ or submits any of the following: 11783

(1) A receipt issued by the tax commissioner or a clerk of 11784  
courts showing payment of the tax; 11785

(2) A copy of the unit certificate of exemption completed by 11786  
the purchaser at the time of sale as provided in section 5739.03 11787  
of the Revised Code; 11788

(3) An exemption certificate, in a form prescribed by the tax 11789  
commissioner, that specifies why the purchase is not subject to 11790

the tax imposed by Chapter 5739. or 5741. of the Revised Code. 11791

Payment of the tax shall be in accordance with rules issued 11792  
by the tax commissioner, and the clerk shall issue a receipt in 11793  
the form prescribed by the tax commissioner to any applicant who 11794  
tenders payment of the tax with the application for the 11795  
certificate of title. 11796

(E)(1) For receiving and disbursing the taxes paid to the 11797  
clerk by a resident of the clerk's county, the clerk may retain a 11798  
poundage fee of one and one one-hundredth per cent of the taxes 11799  
collected, which shall be paid into the certificate of title 11800  
administration fund created by section 325.33 of the Revised Code. 11801  
The clerk shall not retain a poundage fee from payments of taxes 11802  
by persons who do not reside in the clerk's county. 11803

(2) A clerk, however, may retain from the taxes paid to the 11804  
clerk an amount equal to the poundage fees associated with 11805  
certificates of title issued by other clerks of courts of common 11806  
pleas to applicants who reside in the first clerk's county. The 11807  
chief of the division of watercraft, in consultation with the tax 11808  
commissioner and the clerks of the courts of common pleas, shall 11809  
develop a report from the automated title processing system that 11810  
informs each clerk of the amount of the poundage fees that the 11811  
clerk is permitted to retain from those taxes because of 11812  
certificates of title issued by the clerks of other counties to 11813  
applicants who reside in the first clerk's county. 11814

(F) In the case of casual sales of watercraft or outboard 11815  
motors that are subject to the tax imposed by Chapter 5739. or 11816  
5741. of the Revised Code, the purchase price for the purpose of 11817  
determining the tax shall be the purchase price on an affidavit 11818  
executed and filed with the clerk by the vendor on a form to be 11819  
prescribed by the chief, which shall be prima-facie evidence of 11820  
the price for the determination of the tax. In addition to the 11821  
information required by section 1548.08 of the Revised Code, each 11822

certificate of title shall contain in bold lettering the following 11823  
notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE 11824  
(SELLER AND BUYER). You are required by law to state the true 11825  
selling price. A false statement is a violation of section 2921.13 11826  
of the Revised Code and is punishable by six months imprisonment 11827  
or a fine of up to one thousand dollars, or both. All transfers 11828  
are audited by the department of taxation. The seller and buyer 11829  
must provide any information requested by the department of 11830  
taxation. The buyer may be assessed any additional tax found to be 11831  
due." 11832

(G) Each county clerk of courts shall forward to the 11833  
treasurer of state all sales and use tax collections resulting 11834  
from sales of titled watercraft and outboard motors during a 11835  
calendar week on or before the Friday following the close of that 11836  
week. If, on any Friday, the offices of the clerk of courts or the 11837  
state are not open for business, the tax shall be forwarded to the 11838  
treasurer of state on or before the next day on which the offices 11839  
are open. Every remittance of tax under this division shall be 11840  
accompanied by a remittance report in such form as the tax 11841  
commissioner prescribes. Upon receipt of a tax remittance and 11842  
remittance report, the treasurer of state shall date stamp the 11843  
report and forward it to the tax commissioner. If the tax due for 11844  
any week is not remitted by a clerk of courts as required under 11845  
this division, the clerk shall forfeit the poundage fees for the 11846  
sales made during that week. The treasurer of state may require 11847  
the clerks of courts to transmit tax collections and remittance 11848  
reports electronically. 11849

(H) For purposes of a transfer of a certificate of title, if 11850  
the clerk is satisfied that a secured party has discharged a lien 11851  
but has not canceled the lien notation with a clerk, the clerk may 11852  
cancel the lien notation on the automated title processing system 11853  
and notify the clerk of the county of origin. 11854

(I) Every clerk shall have the capability to transact by 11855  
electronic means all procedures and transactions relating to the 11856  
issuance of watercraft or outboard motor certificates of title 11857  
that are described in the Revised Code as being accomplished by 11858  
electronic means. 11859

**Sec. 1555.08.** (A) Subject to the limitations provided in 11860  
Section 15 of Article VIII, Ohio Constitution, the commissioners 11861  
of the sinking fund, upon certification by the director of the 11862  
Ohio coal development office of the amount of moneys or additional 11863  
moneys needed in the coal research and development fund for the 11864  
purpose of making grants or loans for allowable costs, or needed 11865  
for capitalized interest, for funding reserves, and for paying 11866  
costs and expenses incurred in connection with the issuance, 11867  
carrying, securing, paying, redeeming, or retirement of the 11868  
obligations or any obligations refunded thereby, including payment 11869  
of costs and expenses relating to letters of credit, lines of 11870  
credit, insurance, put agreements, standby purchase agreements, 11871  
indexing, marketing, remarketing and administrative arrangements, 11872  
interest swap or hedging agreements, and any other credit 11873  
enhancement, liquidity, remarketing, renewal, or refunding 11874  
arrangements, all of which are authorized by this section, or 11875  
providing moneys for loan guarantees, shall issue obligations of 11876  
the state under this section in amounts authorized by the general 11877  
assembly; provided that such obligations may be issued to the 11878  
extent necessary to satisfy the covenants in contracts of 11879  
guarantee made under section 1555.05 of the Revised Code to issue 11880  
obligations to meet such guarantees, notwithstanding limitations 11881  
otherwise applicable to the issuance of obligations under this 11882  
section except the one-hundred-million-dollar limitation provided 11883  
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 11884  
such obligations, except for the portion to be deposited in the 11885  
coal research and development bond service fund as may be provided 11886

in the bond proceedings, shall as provided in the bond proceedings 11887  
be deposited in the coal research and development fund. The 11888  
commissioners of the sinking fund may appoint trustees, paying 11889  
agents, and transfer agents and may retain the services of 11890  
financial advisors, accounting experts, and attorneys, and retain 11891  
or contract for the services of marketing, remarketing, indexing, 11892  
and administrative agents, other consultants, and independent 11893  
contractors, including printing services, as are necessary in 11894  
their judgment to carry out this section. 11895

(B) The full faith and credit of the state of Ohio is hereby 11896  
pledged to obligations issued under this section. The right of the 11897  
holders and owners to payment of bond service charges is limited 11898  
to all or that portion of the moneys pledged thereto pursuant to 11899  
the bond proceedings in accordance with this section, and each 11900  
such obligation shall bear on its face a statement to that effect. 11901

(C) Obligations shall be authorized by resolution of the 11902  
commissioners of the sinking fund on request of the director of 11903  
the Ohio coal development office as provided in section 1555.02 of 11904  
the Revised Code and the bond proceedings shall provide for the 11905  
purpose thereof and the principal amount or amounts, and shall 11906  
provide for or authorize the manner or agency for determining the 11907  
principal maturity or maturities, not exceeding forty years from 11908  
the date of issuance, the interest rate or rates or the maximum 11909  
interest rate, the date of the obligations and the dates of 11910  
payment of interest thereon, their denomination, and the 11911  
establishment within or without the state of a place or places of 11912  
payment of bond service charges. Sections 9.98 to 9.983 of the 11913  
Revised Code apply to obligations issued under this section. The 11914  
purpose of such obligations may be stated in the bond proceedings 11915  
in terms describing the general purpose or purposes to be served. 11916  
The bond proceedings shall also provide, subject to the provisions 11917  
of any other applicable bond proceedings, for the pledge of all, 11918

or such part as the commissioners of the sinking fund may 11919  
determine, of the moneys credited to the coal research and 11920  
development bond service fund to the payment of bond service 11921  
charges, which pledges may be made either prior or subordinate to 11922  
other expenses, claims, or payments and may be made to secure the 11923  
obligations on a parity with obligations theretofore or thereafter 11924  
issued, if and to the extent provided in the bond proceedings. The 11925  
moneys so pledged and thereafter received by the state are 11926  
immediately subject to the lien of such pledge without any 11927  
physical delivery thereof or further act, and the lien of any such 11928  
pledges is valid and binding against all parties having claims of 11929  
any kind against the state or any governmental agency of the 11930  
state, irrespective of whether such parties have notice thereof, 11931  
and shall create a perfected security interest for all purposes of 11932  
Chapter 1309. of the Revised Code, without the necessity for 11933  
separation or delivery of funds or for the filing or recording of 11934  
the bond proceedings by which such pledge is created or any 11935  
certificate, statement or other document with respect thereto; and 11936  
the pledge of such moneys is effective and the money therefrom and 11937  
thereof may be applied to the purposes for which pledged without 11938  
necessity for any act of appropriation. Every pledge, and every 11939  
covenant and agreement made with respect thereto, made in the bond 11940  
proceedings may therein be extended to the benefit of the owners 11941  
and holders of obligations authorized by this section, and to any 11942  
trustee therefor, for the further security of the payment of the 11943  
bond service charges. 11944

(D) The bond proceedings may contain additional provisions as 11945  
to: 11946

(1) The redemption of obligations prior to maturity at the 11947  
option of the commissioners of the sinking fund at such price or 11948  
prices and under such terms and conditions as are provided in the 11949  
bond proceedings; 11950

(2) Other terms of the obligations;	11951
(3) Limitations on the issuance of additional obligations;	11952
(4) The terms of any trust agreement or indenture securing the obligations or under which the obligations may be issued;	11953 11954
(5) The deposit, investment, and application of the coal research and development bond service fund, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this chapter, with respect to particular moneys; provided, that any bank or trust company which acts as depository of any moneys in the fund may furnish such indemnifying bonds or may pledge such securities as required by the commissioners of the sinking fund;	11955 11956 11957 11958 11959 11960 11961 11962
(6) Any other provision of the bond proceedings being binding upon the commissioners of the sinking fund, or such other body or person as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;	11963 11964 11965 11966 11967
(7) Any provision which may be made in a trust agreement or indenture;	11968 11969
(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security obtained or to be obtained for loans under this chapter.	11970 11971 11972 11973 11974
(E) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations shall be signed by such members of the commissioners of the sinking fund as are designated in the resolution authorizing the obligations or bear the facsimile signatures of such members. Any coupons attached to the obligations shall bear the facsimile signature of the treasurer of state. Any obligations	11975 11976 11977 11978 11979 11980 11981

may be executed by the persons who, on the date of execution, are 11982  
the commissioners although on the date of such bonds the persons 11983  
were not the commissioners. Any coupons may be executed by the 11984  
person who, on the date of execution, is the treasurer of state 11985  
although on the date of such coupons the person was not the 11986  
treasurer of state. In case any officer or commissioner whose 11987  
signature or a facsimile of whose signature appears on any such 11988  
obligations or any coupons ceases to be such officer or 11989  
commissioner before delivery thereof, such signature or facsimile 11990  
is nevertheless valid and sufficient for all purposes as if the 11991  
individual had remained such officer or commissioner until such 11992  
delivery; and in case the seal to be affixed to obligations has 11993  
been changed after a facsimile of the seal has been imprinted on 11994  
such obligations, such facsimile seal shall continue to be 11995  
sufficient as to such obligations and obligations issued in 11996  
substitution or exchange therefor. 11997

(F) All obligations except loan guarantees are negotiable 11998  
instruments and securities under Chapter 1308. of the Revised 11999  
Code, subject to the provisions of the bond proceedings as to 12000  
registration. The obligations may be issued in coupon or in 12001  
registered form, or both, as the commissioners of the sinking fund 12002  
determine. Provision may be made for the registration of any 12003  
obligations with coupons attached thereto as to principal alone or 12004  
as to both principal and interest, their exchange for obligations 12005  
so registered, and for the conversion or reconversion into 12006  
obligations with coupons attached thereto of any obligations 12007  
registered as to both principal and interest, and for reasonable 12008  
charges for such registration, exchange, conversion, and 12009  
reconversion. 12010

(G) Obligations may be sold at public sale or at private 12011  
sale, as determined in the bond proceedings. 12012

(H) Pending preparation of definitive obligations, the 12013

commissioners of the sinking fund may issue interim receipts or 12014  
certificates which shall be exchanged for such definitive 12015  
obligations. 12016

(I) In the discretion of the commissioners of the sinking 12017  
fund, obligations may be secured additionally by a trust agreement 12018  
or indenture between the commissioners and a corporate trustee, 12019  
which may be any trust company or bank having ~~its principal a~~ 12020  
place of business within the state. Any such agreement or 12021  
indenture may contain the resolution authorizing the issuance of 12022  
the obligations, any provisions that may be contained in any bond 12023  
proceedings, and other provisions that are customary or 12024  
appropriate in an agreement or indenture of such type, including, 12025  
but not limited to: 12026

(1) Maintenance of each pledge, trust agreement, indenture, 12027  
or other instrument comprising part of the bond proceedings until 12028  
the state has fully paid the bond service charges on the 12029  
obligations secured thereby, or provision therefor has been made; 12030

(2) In the event of default in any payments required to be 12031  
made by the bond proceedings, or any other agreement of the 12032  
commissioners of the sinking fund made as a part of the contract 12033  
under which the obligations were issued, enforcement of such 12034  
payments or agreement by mandamus, the appointment of a receiver, 12035  
suit in equity, action at law, or any combination of the 12036  
foregoing; 12037

(3) The rights and remedies of the holders of obligations and 12038  
of the trustee, and provisions for protecting and enforcing them, 12039  
including limitations on rights of individual holders of 12040  
obligations; 12041

(4) The replacement of any obligations that become mutilated 12042  
or are destroyed, lost, or stolen; 12043

(5) Such other provisions as the trustee and the 12044

commissioners of the sinking fund agree upon, including 12045  
limitations, conditions, or qualifications relating to any of the 12046  
foregoing. 12047

(J) Any holder of obligations or a trustee under the bond 12048  
proceedings, except to the extent that the holder's rights are 12049  
restricted by the bond proceedings, may by any suitable form of 12050  
legal proceedings protect and enforce any rights under the laws of 12051  
this state or granted by such bond proceedings. Such rights 12052  
include the right to compel the performance of all duties of the 12053  
commissioners of the sinking fund, the Ohio air quality 12054  
development authority, or the Ohio coal development office 12055  
required by this chapter and Chapter 1551. of the Revised Code or 12056  
the bond proceedings; to enjoin unlawful activities; and in the 12057  
event of default with respect to the payment of any bond service 12058  
charges on any obligations or in the performance of any covenant 12059  
or agreement on the part of the commissioners, the authority, or 12060  
the office in the bond proceedings, to apply to a court having 12061  
jurisdiction of the cause to appoint a receiver to receive and 12062  
administer the moneys pledged, other than those in the custody of 12063  
the treasurer of state, that are pledged to the payment of the 12064  
bond service charges on such obligations or that are the subject 12065  
of the covenant or agreement, with full power to pay, and to 12066  
provide for payment of bond service charges on, such obligations, 12067  
and with such powers, subject to the direction of the court, as 12068  
are accorded receivers in general equity cases, excluding any 12069  
power to pledge additional revenues or receipts or other income or 12070  
moneys of the commissioners of the sinking fund or the state or 12071  
governmental agencies of the state to the payment of such 12072  
principal and interest and excluding the power to take possession 12073  
of, mortgage, or cause the sale or otherwise dispose of any 12074  
project. 12075

Each duty of the commissioners of the sinking fund and their 12076

employees, and of each governmental agency and its officers, 12077  
members, or employees, undertaken pursuant to the bond proceedings 12078  
or any grant, loan, or loan guarantee agreement made under 12079  
authority of this chapter, and in every agreement by or with the 12080  
commissioners, is hereby established as a duty of the 12081  
commissioners, and of each such officer, member, or employee 12082  
having authority to perform such duty, specifically enjoined by 12083  
the law resulting from an office, trust, or station within the 12084  
meaning of section 2731.01 of the Revised Code. 12085

The persons who are at the time the commissioners of the 12086  
sinking fund, or their employees, are not liable in their personal 12087  
capacities on any obligations issued by the commissioners or any 12088  
agreements of or with the commissioners. 12089

(K) Obligations issued under this section are lawful 12090  
investments for banks, societies for savings, savings and loan 12091  
associations, deposit guarantee associations, trust companies, 12092  
trustees, fiduciaries, insurance companies, including domestic for 12093  
life and domestic not for life, trustees or other officers having 12094  
charge of sinking and bond retirement or other special funds of 12095  
political subdivisions and taxing districts of this state, the 12096  
commissioners of the sinking fund of the state, the administrator 12097  
of workers' compensation, the state teachers retirement system, 12098  
the public employees retirement system, the school employees 12099  
retirement system, and the Ohio police and fire pension fund, 12100  
notwithstanding any other provisions of the Revised Code or rules 12101  
adopted pursuant thereto by any governmental agency of the state 12102  
with respect to investments by them, and are also acceptable as 12103  
security for the deposit of public moneys. 12104

(L) If the law or the instrument creating a trust pursuant to 12105  
division (I) of this section expressly permits investment in 12106  
direct obligations of the United States or an agency of the United 12107  
States, unless expressly prohibited by the instrument, such moneys 12108

also may be invested in no-front-end-load money market mutual 12109  
funds consisting exclusively of obligations of the United States 12110  
or an agency of the United States and in repurchase agreements, 12111  
including those issued by the fiduciary itself, secured by 12112  
obligations of the United States or an agency of the United 12113  
States; and in collective investment funds established in 12114  
accordance with section 1111.14 of the Revised Code and consisting 12115  
exclusively of any such securities, notwithstanding division 12116  
(A)(1)(c) of that section. The income from such investments shall 12117  
be credited to such funds as the commissioners of the sinking fund 12118  
determine, and such investments may be sold at such times as the 12119  
commissioners determine or authorize. 12120

(M) Provision may be made in the applicable bond proceedings 12121  
for the establishment of separate accounts in the bond service 12122  
fund and for the application of such accounts only to the 12123  
specified bond service charges on obligations pertinent to such 12124  
accounts and bond service fund and for other accounts therein 12125  
within the general purposes of such fund. Moneys to the credit of 12126  
the bond service fund shall be disbursed on the order of the 12127  
treasurer of state; provided, that no such order is required for 12128  
the payment from the bond service fund when due of bond service 12129  
charges on obligations. 12130

(N) The commissioners of the sinking fund may pledge all, or 12131  
such portion as they determine, of the receipts of the bond 12132  
service fund to the payment of bond service charges on obligations 12133  
issued under this section, and for the establishment and 12134  
maintenance of any reserves, as provided in the bond proceedings, 12135  
and make other provisions therein with respect to pledged receipts 12136  
as authorized by this chapter, which provisions control 12137  
notwithstanding any other provisions of law pertaining thereto. 12138

(O) The commissioners of the sinking fund may covenant in the 12139  
bond proceedings, and any such covenants control notwithstanding 12140

any other provision of law, that the state and applicable officers 12141  
and governmental agencies of the state, including the general 12142  
assembly, so long as any obligations are outstanding, shall: 12143

(1) Maintain statutory authority for and cause to be levied 12144  
and collected taxes so that the pledged receipts are sufficient in 12145  
amount to meet bond service charges, and the establishment and 12146  
maintenance of any reserves and other requirements provided for in 12147  
the bond proceedings, and, as necessary, to meet covenants 12148  
contained in any loan guarantees made under this chapter; 12149

(2) Take or permit no action, by statute or otherwise, that 12150  
would impair the exemption from federal income taxation of the 12151  
interest on the obligations. 12152

(P) All moneys received by or on account of the state and 12153  
required by the applicable bond proceedings, consistent with this 12154  
section, to be deposited, transferred, or credited to the coal 12155  
research and development bond service fund, and all other moneys 12156  
transferred or allocated to or received for the purposes of the 12157  
fund, shall be credited to such fund and to any separate accounts 12158  
therein, subject to applicable provisions of the bond proceedings, 12159  
but without necessity for any act of appropriation. During the 12160  
period beginning with the date of the first issuance of 12161  
obligations and continuing during such time as any such 12162  
obligations are outstanding, and so long as moneys in the bond 12163  
service fund are insufficient to pay all bond service charges on 12164  
such obligations becoming due in each year, a sufficient amount of 12165  
moneys of the state are committed and shall be paid to the bond 12166  
service fund in each year for the purpose of paying the bond 12167  
service charges becoming due in that year without necessity for 12168  
further act of appropriation for such purpose. The bond service 12169  
fund is a trust fund and is hereby pledged to the payment of bond 12170  
service charges to the extent provided in the applicable bond 12171  
proceedings, and payment thereof from such fund shall be made or 12172

provided for by the treasurer of state in accordance with such 12173  
bond proceedings without necessity for any act of appropriation. 12174  
All investment earnings of the fund shall be credited to the fund. 12175

(Q) For purposes of establishing the limitations contained in 12176  
Section 15 of Article VIII, Ohio Constitution, the "principal 12177  
amount" refers to the aggregate of the offering price of the bonds 12178  
or notes. "Principal amount" does not refer to the aggregate value 12179  
at maturity or redemption of the bonds or notes. 12180

(R) This section applies only with respect to obligations 12181  
issued and delivered prior to September 30, 2000. 12182

**Sec. 1557.03.** (A)(1) The commissioners of the sinking fund 12183  
are authorized to issue and sell, as provided in this section and 12184  
in amounts from time to time authorized by the general assembly, 12185  
general obligations of this state for the purpose of financing or 12186  
assisting in the financing of the costs of projects. The full 12187  
faith and credit, revenues, and taxing power of the state are and 12188  
shall be pledged to the timely payment of debt charges on 12189  
outstanding obligations, all in accordance with Section 21 of 12190  
Article VIII, Ohio Constitution, and Chapter 1557. of the Revised 12191  
Code, excluding from that pledge fees, excises, or taxes relating 12192  
to the registration, operation, or use of vehicles on the public 12193  
highways, or to fuels used for propelling those vehicles, and so 12194  
long as such obligations are outstanding there shall be levied and 12195  
collected excises and taxes, excluding those excepted above, in 12196  
amount sufficient to pay the debt charges on such obligations and 12197  
financing costs relating to credit enhancement facilities. 12198

(2) For meetings of the commissioners of the sinking fund 12199  
pertaining to the obligations under this chapter, each of the 12200  
commissioners may designate an employee or officer of that 12201  
commissioner's office to attend meetings when that commissioner is 12202  
absent for any reason, and such designee, when present, shall be 12203

counted in determining whether a quorum is present at any meeting 12204  
and may vote and participate in all proceedings and actions of the 12205  
commissioners at that meeting pertaining to the obligations, 12206  
provided, that such designee shall not execute or cause a 12207  
facsimile of the designee's signature to be placed on any 12208  
obligation, or execute any trust agreement or indenture of the 12209  
commissioners. Such designation shall be in writing, executed by 12210  
the designating member, and shall be filed with the secretary of 12211  
the commissioners and such designation may be changed from time to 12212  
time by a similar written designation. 12213

(B) The total principal amount of obligations outstanding at 12214  
any one time shall not exceed two hundred million dollars, and not 12215  
more than fifty million dollars in principal amount of obligations 12216  
to pay costs of projects may be issued in any fiscal year, all 12217  
determined as provided in Chapter 1557. of the Revised Code. 12218

(C) The state may participate by grants or contributions in 12219  
financing projects under this section made by local government 12220  
entities. Of the proceeds of the first two hundred million dollars 12221  
principal amount in obligations issued under this section to pay 12222  
costs of projects, at least twenty per cent shall be allocated in 12223  
accordance with section 1557.06 of the Revised Code to grants or 12224  
contributions to local government entities. The director of budget 12225  
and management shall establish and maintain records in such manner 12226  
as to show that the proceeds credited to the Ohio parks and 12227  
natural resources fund have been expended for the purposes and in 12228  
accordance with the limitations set forth herein. 12229

(D) Each issue of obligations shall be authorized by 12230  
resolution of the commissioners of the sinking fund. The bond 12231  
proceedings shall provide for the principal amount or maximum 12232  
principal amount of obligations of an issue, and shall provide for 12233  
or authorize the manner or agency for determining the principal 12234  
maturity or maturities, not exceeding the earlier of twenty-five 12235

years from the date the debt represented by the particular 12236  
obligations was originally contracted, the interest rate or rates, 12237  
the date of and the dates of payment of interest on the 12238  
obligations, their denominations, and the establishment within or 12239  
without the state of a place or places of payment of debt charges. 12240  
Sections 9.96 and 9.98 to 9.983 of the Revised Code are applicable 12241  
to the obligations. The purpose of the obligations may be stated 12242  
in the bond proceedings as "financing or assisting in the 12243  
financing of projects as provided in Section 21 of Article VIII, 12244  
Ohio Constitution." 12245

(E) The proceeds of the obligations, except for any portion 12246  
to be deposited in special funds, or in escrow funds for the 12247  
purpose of refunding outstanding obligations, all as may be 12248  
provided in the bond proceedings, shall be deposited in the Ohio 12249  
parks and natural resources fund established by section 1557.02 of 12250  
the Revised Code. 12251

(F) The commissioners of the sinking fund may appoint paying 12252  
agents, bond registrars, securities depositories, and transfer 12253  
agents, and may retain the services of financial advisers and 12254  
accounting experts, and retain or contract for the services of 12255  
marketing, remarketing, indexing, and administrative agents, other 12256  
consultants, and independent contractors, including printing 12257  
services, as are necessary in the judgment of the commissioners to 12258  
carry out this chapter of the Revised Code. Financing costs are 12259  
payable, as provided in the bond proceedings, from the proceeds of 12260  
the obligations, from special funds, or from other moneys 12261  
available for the purpose. 12262

(G) The bond proceedings, including any trust agreement, may 12263  
contain additional provisions customary or appropriate to the 12264  
financing or to the obligations or to particular obligations, 12265  
including, but not limited to: 12266

(1) The redemption of obligations prior to maturity at the 12267

option of the state or of the holder or upon the occurrence of	12268
certain conditions at such price or prices and under such terms	12269
and conditions as are provided in the bond proceedings;	12270
(2) The form of and other terms of the obligations;	12271
(3) The establishment, deposit, investment, and application	12272
of special funds, and the safeguarding of moneys on hand or on	12273
deposit, without regard to Chapter 131. or 135. of the Revised	12274
Code, provided that any bank or trust company that acts as a	12275
depository of any moneys in special funds may furnish such	12276
indemnifying bonds or may pledge such securities as required by	12277
the commissioners of the sinking fund;	12278
(4) Any or every provision of the bond proceedings binding	12279
upon the commissioners of the sinking fund and such state agency	12280
or local government entities, officer, board, commission,	12281
authority, agency, department, or other person or body as may from	12282
time to time have the authority under law to take such actions as	12283
may be necessary to perform all or any part of the duty required	12284
by such provision;	12285
(5) The maintenance of each pledge, any trust agreement, or	12286
other instrument composing part of the bond proceedings until the	12287
state has fully paid or provided for the payment of the debt	12288
charges on the obligations or met other stated conditions;	12289
(6) In the event of default in any payments required to be	12290
made by the bond proceedings, or any other agreement of the	12291
commissioners of the sinking fund made as part of a contract under	12292
which the obligations were issued or secured, the enforcement of	12293
such payments or agreements by mandamus, suit in equity, action at	12294
law, or any combination of the foregoing;	12295
(7) The rights and remedies of the holders of obligations and	12296
of the trustee under any trust agreement, and provisions for	12297
protecting and enforcing them, including limitations on rights of	12298

individual holders of obligations;	12299
(8) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;	12300 12301
(9) Provision for the funding, refunding, or advance refunding or other provision for payment of obligations which will then no longer be or be deemed to be outstanding for purposes of this section or of the bond proceedings;	12302 12303 12304 12305
(10) Any provision that may be made in bond proceedings or a trust agreement, including provision for amendment of the bond proceedings;	12306 12307 12308
(11) Such other provisions as the commissioners of the sinking fund determine, including limitations, conditions, or qualifications relating to any of the foregoing;	12309 12310 12311
(12) Any other or additional agreements with the holders of the obligations relating to the obligations or the security for the obligations.	12312 12313 12314
(H) The great seal of the state or a facsimile of that seal may be affixed to or printed on the obligations. The obligations shall be signed by or bear the facsimile signatures of two or more of the commissioners of the sinking fund as provided in the bond proceedings. Any obligations may be signed by the person who, on the date of execution, is the authorized signer although on the date of such obligations such person was not a commissioner. In case the individual whose signature or a facsimile of whose signature appears on any obligation ceases to be a commissioner before delivery of the obligation, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the individual had remained the member until such delivery, and in case the seal to be affixed to or printed on obligations has been changed after the seal has been affixed to or a facsimile of the seal has been printed on the obligations, that seal or facsimile	12315 12316 12317 12318 12319 12320 12321 12322 12323 12324 12325 12326 12327 12328 12329

seal shall continue to be sufficient as to those obligations and 12330  
obligations issued in substitution or exchange therefor. 12331

(I) Obligations may be issued in coupon or in fully 12332  
registered form, or both, as the commissioners of the sinking fund 12333  
determine. Provision may be made for the registration of any 12334  
obligations with coupons attached as to principal alone or as to 12335  
both principal and interest, their exchange for obligations so 12336  
registered, and for the conversion or reconversion into 12337  
obligations with coupons attached of any obligations registered as 12338  
to both principal and interest, and for reasonable charges for 12339  
such registration, exchange, conversion, and reconversion. Pending 12340  
preparation of definitive obligations, the commissioners of the 12341  
sinking fund may issue interim receipts or certificates which 12342  
shall be exchanged for such definitive obligations. 12343

(J) Obligations may be sold at public sale or at private 12344  
sale, and at such price at, above, or below par, as determined by 12345  
the commissioners of the sinking fund in the bond proceedings. 12346

(K) In the discretion of the commissioners of the sinking 12347  
fund, obligations may be secured additionally by a trust agreement 12348  
between the state and a corporate trustee which may be any trust 12349  
company or bank having ~~its principal~~ a place of business within 12350  
the state. Any trust agreement may contain the resolution 12351  
authorizing the issuance of the obligations, any provisions that 12352  
may be contained in the bond proceedings, and other provisions 12353  
that are customary or appropriate in an agreement of the type. 12354

(L) Except to the extent that their rights are restricted by 12355  
the bond proceedings, any holder of obligations, or a trustee 12356  
under the bond proceedings, may by any suitable form of legal 12357  
proceedings protect and enforce any rights under the laws of this 12358  
state or granted by the bond proceedings. Such rights include the 12359  
right to compel the performance of all duties of the commissioners 12360  
and the state. Each duty of the commissioners and employees of the 12361

commissioners, and of each state agency and local public entity 12362  
and its officers, members, or employees, undertaken pursuant to 12363  
the bond proceedings, is hereby established as a duty of the 12364  
commissioners, and of each such agency, local government entity, 12365  
officer, member, or employee having authority to perform such 12366  
duty, specifically enjoined by the law and resulting from an 12367  
office, trust, or station within the meaning of section 2731.01 of 12368  
the Revised Code. The persons who are at the time the 12369  
commissioners, or employees of the commissioners, are not liable 12370  
in their personal capacities on any obligations or any agreements 12371  
of or with the commissioners relating to obligations or under the 12372  
bond proceedings. 12373

(M) Obligations are lawful investments for banks, societies 12374  
for savings, savings and loan associations, deposit guarantee 12375  
associations, trust companies, trustees, fiduciaries, insurance 12376  
companies, including domestic for life and domestic not for life, 12377  
trustees or other officers having charge of sinking and bond 12378  
retirement or other special funds of political subdivisions and 12379  
taxing districts of this state, the commissioners of the sinking 12380  
fund, the administrator of workers' compensation, the state 12381  
teachers retirement system, the public employees retirement 12382  
system, the school employees retirement system, and the Ohio 12383  
police and fire pension fund, notwithstanding any other provisions 12384  
of the Revised Code or rules adopted pursuant thereto by any state 12385  
agency with respect to investments by them, and are also 12386  
acceptable as security for the deposit of public moneys. 12387

(N) Unless otherwise provided in any applicable bond 12388  
proceedings, moneys to the credit of or in the special funds 12389  
established by or pursuant to this section may be invested by or 12390  
on behalf of the commissioners of the sinking fund only in notes, 12391  
bonds, or other direct obligations of the United States or of any 12392  
agency or instrumentality of the United States, in obligations of 12393

this state or any political subdivision of this state, in 12394  
certificates of deposit of any national bank located in this state 12395  
and any bank, as defined in section 1101.01 of the Revised Code, 12396  
subject to inspection by the superintendent of financial 12397  
institutions, in the Ohio subdivision's fund established pursuant 12398  
to section 135.45 of the Revised Code, in no-front-end-load money 12399  
market mutual funds consisting exclusively of direct obligations 12400  
of the United States or of an agency or instrumentality of the 12401  
United States, and in repurchase agreements, including those 12402  
issued by any fiduciary, secured by direct obligations of the 12403  
United States or an agency or instrumentality of the United 12404  
States, and in collective investment funds established in 12405  
accordance with section 1111.14 of the Revised Code and consisting 12406  
exclusively of direct obligations of the United States or of an 12407  
agency or instrumentality of the United States, notwithstanding 12408  
division (A)(1)(c) of that section. The income from investments 12409  
shall be credited to such special funds or otherwise as the 12410  
commissioners of the sinking fund determine in the bond 12411  
proceedings, and the investments may be sold or exchanged at such 12412  
times as the commissioners determine or authorize. 12413

(O) Unless otherwise provided in any applicable bond 12414  
proceedings, moneys to the credit of or in a special fund shall be 12415  
disbursed on the order of the commissioners of the sinking fund, 12416  
provided that no such order is required for the payment from the 12417  
bond service fund or other special fund when due of debt charges 12418  
or required payments under credit enhancement facilities. 12419

(P) The commissioners of the sinking fund may covenant in the 12420  
bond proceedings, and any such covenants shall be controlling 12421  
notwithstanding any other provision of law, that the state and the 12422  
applicable officers and agencies of the state, including the 12423  
general assembly, so long as any obligations are outstanding in 12424  
accordance with their terms, shall maintain statutory authority 12425

for and cause to be charged and collected taxes, excises, and 12426  
other receipts of the state so that the receipts to the bond 12427  
service fund shall be sufficient in amounts to meet debt charges 12428  
and for the establishment and maintenance of any reserves and 12429  
other requirements, including payment of the costs of credit 12430  
enhancement facilities, provided for in the bond proceedings. 12431

(Q) The obligations, the transfer thereof, and the interest, 12432  
other accreted amounts, and other income therefrom, including any 12433  
profit made on the sale thereof, at all times shall be free from 12434  
taxation, direct or indirect, within the state. 12435

(R) This section applies only with respect to obligations 12436  
issued and delivered before September 30, 2000. 12437

Sec. 1713.031. The Ohio board of regents shall review an 12438  
application for a certificate of authorization from a school 12439  
described in division (E) of section 3332.01 of the Revised Code 12440  
within twenty-two weeks. 12441

**Sec. 1901.34.** (A) Except as provided in divisions (B) and (D) 12442  
of this section, the village solicitor, city director of law, or 12443  
similar chief legal officer for each municipal corporation within 12444  
the territory of a municipal court shall prosecute all cases 12445  
brought before the municipal court for criminal offenses occurring 12446  
within the municipal corporation for which that person is the 12447  
solicitor, director of law, or similar chief legal officer. Except 12448  
as provided in division (B) of this section, the village 12449  
solicitor, city director of law, or similar chief legal officer of 12450  
the municipal corporation in which a municipal court is located 12451  
shall prosecute all criminal cases brought before the court 12452  
arising in the unincorporated areas within the territory of the 12453  
municipal court. 12454

(B) The Auglaize county, Brown county, Clermont county, 12455

Hocking county, Holmes county, Jackson county, Morrow county, 12456  
Ottawa county, and Portage county prosecuting attorneys shall 12457  
prosecute in municipal court all violations of state law arising 12458  
in their respective counties. The Carroll county, Crawford county, 12459  
Hamilton county, Madison county, and Wayne county prosecuting 12460  
attorneys and beginning January 1, 2008, the Erie county 12461  
prosecuting attorney shall prosecute all violations of state law 12462  
arising within the unincorporated areas of their respective 12463  
counties. The Columbiana county prosecuting attorney shall 12464  
prosecute in the Columbiana county municipal court all violations 12465  
of state law arising in the county, except for violations arising 12466  
in the municipal corporation of East Liverpool, Liverpool 12467  
township, or St. Clair township. The Darke county prosecuting 12468  
attorney shall prosecute in the Darke county municipal court all 12469  
violations of state law arising in the county, except for 12470  
violations of state law arising in the municipal corporation of 12471  
Greenville and violations of state law arising in the village of 12472  
Versailles. The Greene county ~~prosecuting attorney may, with the~~ 12473  
~~concurrence of the Greene county board of county commissioners,~~ 12474  
~~prosecute in the Fairborn municipal court~~ may provide for the 12475  
prosecution of all violations of state law arising within the 12476  
~~unincorporated areas of Bath and Beaverreek townships in Greene~~ 12477  
~~county and prosecute in the Xenia municipal court all violations~~ 12478  
~~of state law arising within the unincorporated areas of~~ 12479  
~~Ceasar creek, Cedarville, Jefferson, Miami, New Jasper, Ross,~~ 12480  
~~Silvercreek, Spring Valley, Sugarcreek, and Xenia townships~~ 12481  
territorial jurisdiction of any municipal court located in Greene 12482  
county. 12483

The prosecuting attorney of any county given the duty of 12484  
prosecuting in municipal court violations of state law shall 12485  
receive no additional compensation for assuming these additional 12486  
duties, except that the prosecuting attorney of Hamilton, Portage, 12487  
and Wayne counties shall receive compensation at the rate of four 12488

thousand eight hundred dollars per year, and the prosecuting attorney of Auglaize county shall receive compensation at the rate of one thousand eight hundred dollars per year, each payable from the county treasury of the respective counties in semimonthly installments.

(C) The village solicitor, city director of law, or similar chief legal officer shall perform the same duties, insofar as they are applicable to the village solicitor, city director of law, or similar chief legal officer, as are required of the prosecuting attorney of the county. The village solicitor, city director of law, similar chief legal officer or any assistants who may be appointed shall receive for such services additional compensation to be paid from the treasury of the county as the board of county commissioners prescribes.

(D) ~~The~~ (1) Subject to division (D)(2) of this section, the prosecuting attorney of any county, other than Auglaize, Brown, Clermont, Hocking, Holmes, Jackson, Morrow, Ottawa, or Portage county, may enter into an agreement with any municipal corporation in the county in which the prosecuting attorney serves pursuant to which the prosecuting attorney prosecutes all criminal cases brought before the municipal court that has territorial jurisdiction over that municipal corporation for criminal offenses occurring within the municipal corporation. The prosecuting attorney of Auglaize, Brown, Clermont, Hocking, Holmes, Jackson, Morrow, Ottawa, or Portage county may enter into an agreement with any municipal corporation in the county in which the prosecuting attorney serves pursuant to which the respective prosecuting attorney prosecutes all cases brought before the Auglaize county, Brown county, Clermont county, Hocking county, Holmes county, Jackson county, Morrow county, Ottawa county, or Portage county municipal court for violations of the ordinances of the municipal corporation or for criminal offenses other than violations of

state law occurring within the municipal corporation. For 12521  
prosecuting these cases, the prosecuting attorney and the 12522  
municipal corporation may agree upon a fee to be paid by the 12523  
municipal corporation, which fee shall be paid into the county 12524  
treasury, to be used to cover expenses of the office of the 12525  
prosecuting attorney. 12526

(2) Any agreement entered into by the Greene county 12527  
prosecuting attorney under division (D)(1) of this section is 12528  
subject to the authority under division (B) of this section of the 12529  
Greene county board of county commissioners to provide for the 12530  
prosecution of violations of state law in municipal courts located 12531  
in Greene county. 12532

**Sec. 2151.362.** (A)(1) In the manner prescribed by division 12533  
(C)(1) or (2) of section 3313.64 of the Revised Code, as 12534  
applicable, the court, at the time of making any order that 12535  
removes a child from the child's own home or that vests legal or 12536  
permanent custody of the child in a person other than the child's 12537  
parent or a government agency, shall determine the school district 12538  
that is to bear the cost of educating the child. The court shall 12539  
make the determination a part of the order that provides for the 12540  
child's placement or commitment. That school district shall bear 12541  
the cost of educating the child unless and until the ~~court~~ 12542  
~~modifies its order~~ department of education determines that a 12543  
different district shall be responsible for bearing that cost 12544  
pursuant to division (A)(2) of this section. The court's order 12545  
shall state that the determination of which school district is 12546  
responsible to bear the cost of educating the child is subject to 12547  
re-determination by the department pursuant to that division. 12548

(2) If, while the child is in the custody of a person other 12549  
than the child's parent or a government agency, the department of 12550  
education ~~notifies the court~~ determines that the place of 12551

residence of the child's parent has changed since the court issued 12552  
its initial order, the ~~court~~ department may ~~modify its order to~~ 12553  
name a different school district to bear the cost of educating the 12554  
child. The department ~~may submit the notice to the court upon~~ 12555  
~~receipt,~~ shall make this new determination, and any future 12556  
determinations, based on evidence received from the school 12557  
district ~~initially ordered~~ currently responsible to bear the cost 12558  
of educating the child, ~~of evidence acceptable to the department.~~ 12559  
If the department finds that the evidence demonstrates to its 12560  
satisfaction that the residence of the child's parent has changed 12561  
since the court issued its initial order. ~~In the notice to the~~ 12562  
~~court, the department shall recommend to the court whether a~~ 12563  
~~different district should be ordered to bear the cost of educating~~ 12564  
~~the child and, if so, which district should be so ordered. The~~ 12565  
under division (A)(1) of this section, or since the department 12566  
last made a determination under division (A)(2) of this section, 12567  
the department shall recommend to the court name the district in 12568  
which the child's parent currently resides or, if the parent's 12569  
residence is not known, the district in which the parent's last 12570  
known residence is located. If the department cannot determine any 12571  
Ohio district in which the parent currently resides or has 12572  
resided, the school district designated in the initial court order 12573  
under division (A)(1) of this section, or in the most recent 12574  
determination made by the department under division (A)(2) of this 12575  
section, shall continue to bear the cost of educating the child. 12576

~~The court may consider the content of a notice by the~~ 12577  
~~department of education under division (A)(2) of this section as~~ 12578  
~~conclusive evidence as to which school district should bear the~~ 12579  
~~cost of educating the child and may amend its order accordingly.~~ 12580

(B) Whenever a child is placed in a detention facility 12581  
established under section 2152.41 of the Revised Code or a 12582  
juvenile facility established under section 2151.65 of the Revised 12583

Code, the child's school district as determined by the court or 12584  
the department, in the same manner as prescribed in division (A) 12585  
of this section, shall pay the cost of educating the child based 12586  
on the per capita cost of the educational facility within the 12587  
detention home or juvenile facility. 12588

(C) Whenever a child is placed by the court in a private 12589  
institution, school, or residential treatment center or any other 12590  
private facility, the state shall pay to the court a subsidy to 12591  
help defray the expense of educating the child in an amount equal 12592  
to the product of the daily per capita educational cost of the 12593  
private facility, as determined pursuant to this section, and the 12594  
number of days the child resides at the private facility, provided 12595  
that the subsidy shall not exceed twenty-five hundred dollars per 12596  
year per child. The daily per capita educational cost of a private 12597  
facility shall be determined by dividing the actual program cost 12598  
of the private facility or twenty-five hundred dollars, whichever 12599  
is less, by three hundred sixty-five days or by three hundred 12600  
sixty-six days for years that include February twenty-ninth. The 12601  
state shall pay seventy-five per cent of the total subsidy for 12602  
each year quarterly to the court. The state may adjust the 12603  
remaining twenty-five per cent of the total subsidy to be paid to 12604  
the court for each year to an amount that is less than twenty-five 12605  
per cent of the total subsidy for that year based upon the 12606  
availability of funds appropriated to the department of education 12607  
for the purpose of subsidizing courts that place a child in a 12608  
private institution, school, or residential treatment center or 12609  
any other private facility and shall pay that adjusted amount to 12610  
the court at the end of the year. 12611

**Sec. 2913.40.** (A) As used in this section: 12612

(1) "Statement or representation" means any oral, written, 12613  
electronic, electronic impulse, or magnetic communication that is 12614

used to identify an item of goods or a service for which 12615  
reimbursement may be made under the medical assistance program or 12616  
that states income and expense and is or may be used to determine 12617  
a rate of reimbursement under the medical assistance program. 12618

(2) "Medical assistance program" means the program 12619  
established by the department of job and family services to 12620  
provide medical assistance under section 5111.01 of the Revised 12621  
Code and the medicaid program of Title XIX of the "Social Security 12622  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 12623

(3) "Provider" means any person who has signed a provider 12624  
agreement with the department of job and family services to 12625  
provide goods or services pursuant to the medical assistance 12626  
program or any person who has signed an agreement with a party to 12627  
such a provider agreement under which the person agrees to provide 12628  
goods or services that are reimbursable under the medical 12629  
assistance program. 12630

(4) "Provider agreement" means an oral or written agreement 12631  
between the department of job and family services and a person in 12632  
which the person agrees to provide goods or services under the 12633  
medical assistance program. 12634

(5) "Recipient" means any individual who receives goods or 12635  
services from a provider under the medical assistance program. 12636

(6) "Records" means any medical, professional, financial, or 12637  
business records relating to the treatment or care of any 12638  
recipient, to goods or services provided to any recipient, or to 12639  
rates paid for goods or services provided to any recipient and any 12640  
records that are required by the rules of the director of job and 12641  
family services to be kept for the medical assistance program. 12642

(B) No person shall knowingly make or cause to be made a 12643  
false or misleading statement or representation for use in 12644  
obtaining reimbursement from the medical assistance program. 12645

(C) No person, with purpose to commit fraud or knowing that the person is facilitating a fraud, shall do either of the following:

(1) Contrary to the terms of the person's provider agreement, charge, solicit, accept, or receive for goods or services that the person provides under the medical assistance program any property, money, or other consideration in addition to the amount of reimbursement under the medical assistance program and the person's provider agreement for the goods or services and any ~~deductibles or co-payments~~ cost-sharing expenses authorized by section 5111.0112 of the Revised Code or rules adopted pursuant to section 5111.01, 5111.011, or 5111.02 of the Revised Code.

(2) Solicit, offer, or receive any remuneration, other than any ~~deductibles or co-payments~~ cost-sharing expenses authorized by section 5111.0112 of the Revised Code or rules adopted under section 5111.01, 5111.011, or 5111.02 of the Revised Code, in cash or in kind, including, but not limited to, a kickback or rebate, in connection with the furnishing of goods or services for which whole or partial reimbursement is or may be made under the medical assistance program.

(D) No person, having submitted a claim for or provided goods or services under the medical assistance program, shall do either of the following for a period of at least six years after a reimbursement pursuant to that claim, or a reimbursement for those goods or services, is received under the medical assistance program:

(1) Knowingly alter, falsify, destroy, conceal, or remove any records that are necessary to fully disclose the nature of all goods or services for which the claim was submitted, or for which reimbursement was received, by the person;

(2) Knowingly alter, falsify, destroy, conceal, or remove any

records that are necessary to disclose fully all income and 12677  
expenditures upon which rates of reimbursements were based for the 12678  
person. 12679

(E) Whoever violates this section is guilty of medicaid 12680  
fraud. Except as otherwise provided in this division, medicaid 12681  
fraud is a misdemeanor of the first degree. If the value of 12682  
property, services, or funds obtained in violation of this section 12683  
is five hundred dollars or more and is less than five thousand 12684  
dollars, medicaid fraud is a felony of the fifth degree. If the 12685  
value of property, services, or funds obtained in violation of 12686  
this section is five thousand dollars or more and is less than one 12687  
hundred thousand dollars, medicaid fraud is a felony of the fourth 12688  
degree. If the value of the property, services, or funds obtained 12689  
in violation of this section is one hundred thousand dollars or 12690  
more, medicaid fraud is a felony of the third degree. 12691

(F) Upon application of the governmental agency, office, or 12692  
other entity that conducted the investigation and prosecution in a 12693  
case under this section, the court shall order any person who is 12694  
convicted of a violation of this section for receiving any 12695  
reimbursement for furnishing goods or services under the medical 12696  
assistance program to which the person is not entitled to pay to 12697  
the applicant its cost of investigating and prosecuting the case. 12698  
The costs of investigation and prosecution that a defendant is 12699  
ordered to pay pursuant to this division shall be in addition to 12700  
any other penalties for the receipt of that reimbursement that are 12701  
provided in this section, section 5111.03 of the Revised Code, or 12702  
any other provision of law. 12703

(G) The provisions of this section are not intended to be 12704  
exclusive remedies and do not preclude the use of any other 12705  
criminal or civil remedy for any act that is in violation of this 12706  
section. 12707

Sec. 2921.42. (A) No public official shall knowingly do any 12708  
of the following: 12709

(1) Authorize, or employ the authority or influence of ~~his~~ 12710  
the public official's office to secure authorization of any public 12711  
contract in which ~~he~~ the public official, a member of ~~his~~ the 12712  
public official's family, or any of ~~his~~ the public official's 12713  
business associates has an interest; 12714

(2) Authorize, or employ the authority or influence of ~~his~~ 12715  
the public official's office to secure the investment of public 12716  
funds in any share, bond, mortgage, or other security, with 12717  
respect to which ~~he~~ the public official, a member of ~~his~~ the 12718  
public official's family, or any of ~~his~~ the public official's 12719  
business associates either has an interest, is an underwriter, or 12720  
receives any brokerage, origination, or servicing fees; 12721

(3) During ~~his~~ the public official's term of office or within 12722  
one year thereafter, occupy any position of profit in the 12723  
prosecution of a public contract authorized by ~~him~~ the public 12724  
official or by a legislative body, commission, or board of which 12725  
~~he~~ the public official was a member at the time of authorization, 12726  
unless the contract was let by competitive bidding to the lowest 12727  
and best bidder; 12728

(4) Have an interest in the profits or benefits of a public 12729  
contract entered into by or for the use of the political 12730  
subdivision or governmental agency or instrumentality with which 12731  
~~he~~ the public official is connected; 12732

(5) Have an interest in the profits or benefits of a public 12733  
contract that is not let by competitive bidding if required by law 12734  
and that involves more than one hundred fifty dollars. 12735

(B) In the absence of bribery or a purpose to defraud, a 12736  
public official, member of ~~his~~ a public official's family, or any 12737

of ~~his~~ a public official's business associates shall not be 12738  
considered as having an interest in a public contract or the 12739  
investment of public funds, if all of the following apply: 12740

(1) The interest of that person is limited to owning or 12741  
controlling shares of the corporation, or being a creditor of the 12742  
corporation or other organization, that is the contractor on the 12743  
public contract involved, or that is the issuer of the security in 12744  
which public funds are invested; 12745

(2) The shares owned or controlled by that person do not 12746  
exceed five per cent of the outstanding shares of the corporation, 12747  
and the amount due that person as creditor does not exceed five 12748  
per cent of the total indebtedness of the corporation or other 12749  
organization; 12750

(3) That person, prior to the time the public contract is 12751  
entered into, files with the political subdivision or governmental 12752  
agency or instrumentality involved, an affidavit giving ~~his~~ that 12753  
person's exact status in connection with the corporation or other 12754  
organization. 12755

(C) This section does not apply to a public contract in which 12756  
a public official, member of ~~his~~ a public official's family, or 12757  
one of ~~his~~ a public official's business associates has an 12758  
interest, when all of the following apply: 12759

(1) The subject of the public contract is necessary supplies 12760  
or services for the political subdivision or governmental agency 12761  
or instrumentality involved; 12762

(2) The supplies or services are unobtainable elsewhere for 12763  
the same or lower cost, or are being furnished to the political 12764  
subdivision or governmental agency or instrumentality as part of a 12765  
continuing course of dealing established prior to the public 12766  
official's becoming associated with the political subdivision or 12767  
governmental agency or instrumentality involved; 12768

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of ~~his~~ the public official's family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Division (A)(4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of ~~his~~ the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the

Revised Code, or for a township law director appointed under 12801  
section 504.15 of the Revised Code to appoint assistants and 12802  
employees in accordance with sections 504.151 and 2921.421 of the 12803  
Revised Code. 12804

~~(F)~~(G) This section does not apply to a public contract in 12805  
which a township trustee in a township with a population of five 12806  
thousand or less in its unincorporated area, a member of the 12807  
township trustee's family, or one of ~~his~~ the township trustee's 12808  
business associates has an interest, if all of the following 12809  
apply: 12810

(1) The subject of the public contract is necessary supplies 12811  
or services for the township and the amount of the contract is 12812  
less than five thousand dollars per year; 12813

(2) The supplies or services are being furnished to the 12814  
township as part of a continuing course of dealing established 12815  
before the township trustee held that office with the township; 12816

(3) The treatment accorded the township is either 12817  
preferential to or the same as that accorded other customers or 12818  
clients in similar transactions; 12819

(4) The entire transaction is conducted with full knowledge 12820  
by the township of the interest of the township trustee, member of 12821  
~~his~~ the township trustee's family, or ~~his~~ the township trustee's 12822  
business associate. 12823

~~(G)~~(H) Any public contract in which a public official, a 12824  
member of the public official's family, or any of the public 12825  
official's business associates has an interest in violation of 12826  
this section is void and unenforceable. Any contract securing the 12827  
investment of public funds in which a public official, a member of 12828  
the public official's family, or any of the public official's 12829  
business associates has an interest, is an underwriter, or 12830  
receives any brokerage, origination, or servicing fees and that 12831

<u>was entered into in violation of this section is void and</u>	12832
<u>unenforceable.</u>	12833
<u>(I)</u> As used in this section:	12834
(1) "Public contract" means any of the following:	12835
(a) The purchase or acquisition, or a contract for the	12836
purchase or acquisition, of property or services by or for the use	12837
of the state, any of its political subdivisions, or any agency or	12838
instrumentality of either, including the employment of an	12839
individual by the state, any of its political subdivisions, or any	12840
agency or instrumentality of either;	12841
(b) A contract for the design, construction, alteration,	12842
repair, or maintenance of any public property.	12843
(2) "Chief legal officer" has the same meaning as in section	12844
733.621 of the Revised Code.	12845
<b>Sec. 2927.023.</b> (A) As used in this section "authorized	12846
recipient of tobacco products" means a person who is:	12847
(1) Licensed as a cigarette wholesale dealer under section	12848
5743.15 of the Revised Code;	12849
(2) Licensed as a <del>distributor of tobacco products under</del>	12850
<del>section 5743.61 of the Revised Code</del> <u>retail dealer as long as the</u>	12851
<u>person purchases cigarettes with the appropriate tax stamp</u>	12852
<u>affixed;</u>	12853
(3) An export warehouse proprietor as defined in section 5702	12854
of the Internal Revenue Code;	12855
(4) An operator of a customs bonded warehouse under 19 U.S.C.	12856
1311 or 19 U.S.C. 1555;	12857
(5) An officer, employee, or agent of the federal government	12858
or of this state acting in the person's official capacity;	12859
(6) A department, agency, instrumentality, or political	12860

subdivision of the federal government or of this state; 12861

(7) A person having a consent for consumer shipment issued by 12862  
the tax commissioner under section 5743.71 of the Revised Code. 12863

The purpose of this section is to prevent the sale of 12864  
cigarettes to minors and to ensure compliance with the Master 12865  
Settlement Agreement, as defined in section 1346.01 of the Revised 12866  
Code. 12867

(B)(1) No person shall cause to be shipped any cigarettes to 12868  
any person in this state other than an authorized recipient of 12869  
tobacco products. 12870

(2) No common carrier, contract carrier, or other person 12871  
shall knowingly transport cigarettes to any person in this state 12872  
that the carrier or other person reasonably believes is not an 12873  
authorized recipient of tobacco products. If cigarettes are 12874  
transported to a home or residence, it shall be presumed that the 12875  
common carrier, contract carrier, or other person knew that the 12876  
person to whom the cigarettes were delivered was not an authorized 12877  
recipient of tobacco products. 12878

(C) No person engaged in the business of selling cigarettes 12879  
who ships or causes to be shipped cigarettes to any person in this 12880  
state in any container or wrapping other than the original 12881  
container or wrapping of the cigarettes shall fail to plainly and 12882  
visibly mark the exterior of the container or wrapping in which 12883  
the cigarettes are shipped with the words "cigarettes." 12884

(D) A court shall impose a fine of up to one thousand dollars 12885  
for each violation of division (B)(1), (B)(2), or (C) of this 12886  
section. 12887

**Sec. 2935.03.** (A)(1) A sheriff, deputy sheriff, marshal, 12888  
deputy marshal, municipal police officer, township constable, 12889  
police officer of a township or joint township police district, 12890

member of a police force employed by a metropolitan housing 12891  
authority under division (D) of section 3735.31 of the Revised 12892  
Code, member of a police force employed by a regional transit 12893  
authority under division (Y) of section 306.35 of the Revised 12894  
Code, state university law enforcement officer appointed under 12895  
section 3345.04 of the Revised Code, veterans' home police officer 12896  
appointed under section 5907.02 of the Revised Code, special 12897  
police officer employed by a port authority under section 4582.04 12898  
or 4582.28 of the Revised Code, or a special police officer 12899  
employed by a municipal corporation at a municipal airport, or 12900  
other municipal air navigation facility, that has scheduled 12901  
operations, as defined in section 119.3 of Title 14 of the Code of 12902  
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 12903  
required to be under a security program and is governed by 12904  
aviation security rules of the transportation security 12905  
administration of the United States department of transportation 12906  
as provided in Parts 1542. and 1544. of Title 49 of the Code of 12907  
Federal Regulations, as amended, shall arrest and detain, until a 12908  
warrant can be obtained, a person found violating, within the 12909  
limits of the political subdivision, metropolitan housing 12910  
authority housing project, regional transit authority facilities 12911  
or areas of a municipal corporation that have been agreed to by a 12912  
regional transit authority and a municipal corporation located 12913  
within its territorial jurisdiction, college, university, 12914  
veterans' home operated under Chapter 5907. of the Revised Code, 12915  
port authority, or municipal airport or other municipal air 12916  
navigation facility, in which the peace officer is appointed, 12917  
employed, or elected, a law of this state, an ordinance of a 12918  
municipal corporation, or a resolution of a township. 12919

(2) A peace officer of the department of natural resources or 12920  
an individual designated to perform law enforcement duties under 12921  
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 12922  
arrest and detain, until a warrant can be obtained, a person found 12923

violating, within the limits of the peace officer's or 12924  
individual's territorial jurisdiction, a law of this state. 12925

(3) The house sergeant at arms if the house sergeant at arms 12926  
has arrest authority pursuant to division (E)(1) of section 12927  
101.311 of the Revised Code and an assistant house sergeant at 12928  
arms shall arrest and detain, until a warrant can be obtained, a 12929  
person found violating, within the limits of the sergeant at 12930  
arms's or assistant sergeant at arms's territorial jurisdiction 12931  
specified in division (D)(1)(a) of section 101.311 of the Revised 12932  
Code or while providing security pursuant to division (D)(1)(f) of 12933  
section 101.311 of the Revised Code, a law of this state, an 12934  
ordinance of a municipal corporation, or a resolution of a 12935  
township. 12936

(B)(1) When there is reasonable ground to believe that an 12937  
offense of violence, the offense of criminal child enticement as 12938  
defined in section 2905.05 of the Revised Code, the offense of 12939  
public indecency as defined in section 2907.09 of the Revised 12940  
Code, the offense of domestic violence as defined in section 12941  
2919.25 of the Revised Code, the offense of violating a protection 12942  
order as defined in section 2919.27 of the Revised Code, the 12943  
offense of menacing by stalking as defined in section 2903.211 of 12944  
the Revised Code, the offense of aggravated trespass as defined in 12945  
section 2911.211 of the Revised Code, a theft offense as defined 12946  
in section 2913.01 of the Revised Code, or a felony drug abuse 12947  
offense as defined in section 2925.01 of the Revised Code, has 12948  
been committed within the limits of the political subdivision, 12949  
metropolitan housing authority housing project, regional transit 12950  
authority facilities or those areas of a municipal corporation 12951  
that have been agreed to by a regional transit authority and a 12952  
municipal corporation located within its territorial jurisdiction, 12953  
college, university, veterans' home operated under Chapter 5907. 12954  
of the Revised Code, port authority, or municipal airport or other 12955

municipal air navigation facility, in which the peace officer is 12956  
appointed, employed, or elected or within the limits of the 12957  
territorial jurisdiction of the peace officer, a peace officer 12958  
described in division (A) of this section may arrest and detain 12959  
until a warrant can be obtained any person who the peace officer 12960  
has reasonable cause to believe is guilty of the violation. 12961

(2) For purposes of division (B)(1) of this section, the 12962  
execution of any of the following constitutes reasonable ground to 12963  
believe that the offense alleged in the statement was committed 12964  
and reasonable cause to believe that the person alleged in the 12965  
statement to have committed the offense is guilty of the 12966  
violation: 12967

(a) A written statement by a person alleging that an alleged 12968  
offender has committed the offense of menacing by stalking or 12969  
aggravated trespass; 12970

(b) A written statement by the administrator of the 12971  
interstate compact on mental health appointed under section 12972  
5119.51 of the Revised Code alleging that a person who had been 12973  
hospitalized, institutionalized, or confined in any facility under 12974  
an order made pursuant to or under authority of section 2945.37, 12975  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 12976  
Revised Code has escaped from the facility, from confinement in a 12977  
vehicle for transportation to or from the facility, or from 12978  
supervision by an employee of the facility that is incidental to 12979  
hospitalization, institutionalization, or confinement in the 12980  
facility and that occurs outside of the facility, in violation of 12981  
section 2921.34 of the Revised Code; 12982

(c) A written statement by the administrator of any facility 12983  
in which a person has been hospitalized, institutionalized, or 12984  
confined under an order made pursuant to or under authority of 12985  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 12986  
2945.402 of the Revised Code alleging that the person has escaped 12987

from the facility, from confinement in a vehicle for 12988  
transportation to or from the facility, or from supervision by an 12989  
employee of the facility that is incidental to hospitalization, 12990  
institutionalization, or confinement in the facility and that 12991  
occurs outside of the facility, in violation of section 2921.34 of 12992  
the Revised Code. 12993

(3)(a) For purposes of division (B)(1) of this section, a 12994  
peace officer described in division (A) of this section has 12995  
reasonable grounds to believe that the offense of domestic 12996  
violence or the offense of violating a protection order has been 12997  
committed and reasonable cause to believe that a particular person 12998  
is guilty of committing the offense if any of the following 12999  
occurs: 13000

(i) A person executes a written statement alleging that the 13001  
person in question has committed the offense of domestic violence 13002  
or the offense of violating a protection order against the person 13003  
who executes the statement or against a child of the person who 13004  
executes the statement. 13005

(ii) No written statement of the type described in division 13006  
(B)(3)(a)(i) of this section is executed, but the peace officer, 13007  
based upon the peace officer's own knowledge and observation of 13008  
the facts and circumstances of the alleged incident of the offense 13009  
of domestic violence or the alleged incident of the offense of 13010  
violating a protection order or based upon any other information, 13011  
including, but not limited to, any reasonably trustworthy 13012  
information given to the peace officer by the alleged victim of 13013  
the alleged incident of the offense or any witness of the alleged 13014  
incident of the offense, concludes that there are reasonable 13015  
grounds to believe that the offense of domestic violence or the 13016  
offense of violating a protection order has been committed and 13017  
reasonable cause to believe that the person in question is guilty 13018  
of committing the offense. 13019

(iii) No written statement of the type described in division 13020  
(B)(3)(a)(i) of this section is executed, but the peace officer 13021  
witnessed the person in question commit the offense of domestic 13022  
violence or the offense of violating a protection order. 13023

(b) If pursuant to division (B)(3)(a) of this section a peace 13024  
officer has reasonable grounds to believe that the offense of 13025  
domestic violence or the offense of violating a protection order 13026  
has been committed and reasonable cause to believe that a 13027  
particular person is guilty of committing the offense, it is the 13028  
preferred course of action in this state that the officer arrest 13029  
and detain that person pursuant to division (B)(1) of this section 13030  
until a warrant can be obtained. 13031

If pursuant to division (B)(3)(a) of this section a peace 13032  
officer has reasonable grounds to believe that the offense of 13033  
domestic violence or the offense of violating a protection order 13034  
has been committed and reasonable cause to believe that family or 13035  
household members have committed the offense against each other, 13036  
it is the preferred course of action in this state that the 13037  
officer, pursuant to division (B)(1) of this section, arrest and 13038  
detain until a warrant can be obtained the family or household 13039  
member who committed the offense and whom the officer has 13040  
reasonable cause to believe is the primary physical aggressor. 13041  
There is no preferred course of action in this state regarding any 13042  
other family or household member who committed the offense and 13043  
whom the officer does not have reasonable cause to believe is the 13044  
primary physical aggressor, but, pursuant to division (B)(1) of 13045  
this section, the peace officer may arrest and detain until a 13046  
warrant can be obtained any other family or household member who 13047  
committed the offense and whom the officer does not have 13048  
reasonable cause to believe is the primary physical aggressor. 13049

(c) If a peace officer described in division (A) of this 13050  
section does not arrest and detain a person whom the officer has 13051

reasonable cause to believe committed the offense of domestic 13052  
violence or the offense of violating a protection order when it is 13053  
the preferred course of action in this state pursuant to division 13054  
(B)(3)(b) of this section that the officer arrest that person, the 13055  
officer shall articulate in the written report of the incident 13056  
required by section 2935.032 of the Revised Code a clear statement 13057  
of the officer's reasons for not arresting and detaining that 13058  
person until a warrant can be obtained. 13059

(d) In determining for purposes of division (B)(3)(b) of this 13060  
section which family or household member is the primary physical 13061  
aggressor in a situation in which family or household members have 13062  
committed the offense of domestic violence or the offense of 13063  
violating a protection order against each other, a peace officer 13064  
described in division (A) of this section, in addition to any 13065  
other relevant circumstances, should consider all of the 13066  
following: 13067

(i) Any history of domestic violence or of any other violent 13068  
acts by either person involved in the alleged offense that the 13069  
officer reasonably can ascertain; 13070

(ii) If violence is alleged, whether the alleged violence was 13071  
caused by a person acting in self-defense; 13072

(iii) Each person's fear of physical harm, if any, resulting 13073  
from the other person's threatened use of force against any person 13074  
or resulting from the other person's use or history of the use of 13075  
force against any person, and the reasonableness of that fear; 13076

(iv) The comparative severity of any injuries suffered by the 13077  
persons involved in the alleged offense. 13078

(e)(i) A peace officer described in division (A) of this 13079  
section shall not require, as a prerequisite to arresting or 13080  
charging a person who has committed the offense of domestic 13081  
violence or the offense of violating a protection order, that the 13082

victim of the offense specifically consent to the filing of 13083  
charges against the person who has committed the offense or sign a 13084  
complaint against the person who has committed the offense. 13085

(ii) If a person is arrested for or charged with committing 13086  
the offense of domestic violence or the offense of violating a 13087  
protection order and if the victim of the offense does not 13088  
cooperate with the involved law enforcement or prosecuting 13089  
authorities in the prosecution of the offense or, subsequent to 13090  
the arrest or the filing of the charges, informs the involved law 13091  
enforcement or prosecuting authorities that the victim does not 13092  
wish the prosecution of the offense to continue or wishes to drop 13093  
charges against the alleged offender relative to the offense, the 13094  
involved prosecuting authorities, in determining whether to 13095  
continue with the prosecution of the offense or whether to dismiss 13096  
charges against the alleged offender relative to the offense and 13097  
notwithstanding the victim's failure to cooperate or the victim's 13098  
wishes, shall consider all facts and circumstances that are 13099  
relevant to the offense, including, but not limited to, the 13100  
statements and observations of the peace officers who responded to 13101  
the incident that resulted in the arrest or filing of the charges 13102  
and of all witnesses to that incident. 13103

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 13104  
this section whether to arrest a person pursuant to division 13105  
(B)(1) of this section, a peace officer described in division (A) 13106  
of this section shall not consider as a factor any possible 13107  
shortage of cell space at the detention facility to which the 13108  
person will be taken subsequent to the person's arrest or any 13109  
possibility that the person's arrest might cause, contribute to, 13110  
or exacerbate overcrowding at that detention facility or at any 13111  
other detention facility. 13112

(g) If a peace officer described in division (A) of this 13113  
section intends pursuant to divisions (B)(3)(a) to (g) of this 13114

section to arrest a person pursuant to division (B)(1) of this 13115  
section and if the officer is unable to do so because the person 13116  
is not present, the officer promptly shall seek a warrant for the 13117  
arrest of the person. 13118

(h) If a peace officer described in division (A) of this 13119  
section responds to a report of an alleged incident of the offense 13120  
of domestic violence or an alleged incident of the offense of 13121  
violating a protection order and if the circumstances of the 13122  
incident involved the use or threatened use of a deadly weapon or 13123  
any person involved in the incident brandished a deadly weapon 13124  
during or in relation to the incident, the deadly weapon that was 13125  
used, threatened to be used, or brandished constitutes contraband, 13126  
and, to the extent possible, the officer shall seize the deadly 13127  
weapon as contraband pursuant to Chapter 2981. of the Revised 13128  
Code. Upon the seizure of a deadly weapon pursuant to division 13129  
(B)(3)(h) of this section, section 2981.12 of the Revised Code 13130  
shall apply regarding the treatment and disposition of the deadly 13131  
weapon. For purposes of that section, the "underlying criminal 13132  
offense" that was the basis of the seizure of a deadly weapon 13133  
under division (B)(3)(h) of this section and to which the deadly 13134  
weapon had a relationship is any of the following that is 13135  
applicable: 13136

(i) The alleged incident of the offense of domestic violence 13137  
or the alleged incident of the offense of violating a protection 13138  
order to which the officer who seized the deadly weapon responded; 13139

(ii) Any offense that arose out of the same facts and 13140  
circumstances as the report of the alleged incident of the offense 13141  
of domestic violence or the alleged incident of the offense of 13142  
violating a protection order to which the officer who seized the 13143  
deadly weapon responded. 13144

(4) If, in the circumstances described in divisions (B)(3)(a) 13145  
to (g) of this section, a peace officer described in division (A) 13146

of this section arrests and detains a person pursuant to division 13147  
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 13148  
this section, a peace officer described in division (A) of this 13149  
section seizes a deadly weapon, the officer, to the extent 13150  
described in and in accordance with section 9.86 or 2744.03 of the 13151  
Revised Code, is immune in any civil action for damages for 13152  
injury, death, or loss to person or property that arises from or 13153  
is related to the arrest and detention or the seizure. 13154

(C) When there is reasonable ground to believe that a 13155  
violation of division (A)(1), (2), (3), (4), or (5) of section 13156  
4506.15 or a violation of section 4511.19 of the Revised Code has 13157  
been committed by a person operating a motor vehicle subject to 13158  
regulation by the public utilities commission of Ohio under Title 13159  
XLIX of the Revised Code, a peace officer with authority to 13160  
enforce that provision of law may stop or detain the person whom 13161  
the officer has reasonable cause to believe was operating the 13162  
motor vehicle in violation of the division or section and, after 13163  
investigating the circumstances surrounding the operation of the 13164  
vehicle, may arrest and detain the person. 13165

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 13166  
municipal police officer, member of a police force employed by a 13167  
metropolitan housing authority under division (D) of section 13168  
3735.31 of the Revised Code, member of a police force employed by 13169  
a regional transit authority under division (Y) of section 306.35 13170  
of the Revised Code, special police officer employed by a port 13171  
authority under section 4582.04 or 4582.28 of the Revised Code, 13172  
special police officer employed by a municipal corporation at a 13173  
municipal airport or other municipal air navigation facility 13174  
described in division (A) of this section, township constable, 13175  
police officer of a township or joint township police district, 13176  
state university law enforcement officer appointed under section 13177  
3345.04 of the Revised Code, peace officer of the department of 13178

natural resources, individual designated to perform law 13179  
enforcement duties under section 511.232, 1545.13, or 6101.75 of 13180  
the Revised Code, the house sergeant at arms if the house sergeant 13181  
at arms has arrest authority pursuant to division (E)(1) of 13182  
section 101.311 of the Revised Code, or an assistant house 13183  
sergeant at arms is authorized by division (A) or (B) of this 13184  
section to arrest and detain, within the limits of the political 13185  
subdivision, metropolitan housing authority housing project, 13186  
regional transit authority facilities or those areas of a 13187  
municipal corporation that have been agreed to by a regional 13188  
transit authority and a municipal corporation located within its 13189  
territorial jurisdiction, port authority, municipal airport or 13190  
other municipal air navigation facility, college, or university in 13191  
which the officer is appointed, employed, or elected or within the 13192  
limits of the territorial jurisdiction of the peace officer, a 13193  
person until a warrant can be obtained, the peace officer, outside 13194  
the limits of that territory, may pursue, arrest, and detain that 13195  
person until a warrant can be obtained if all of the following 13196  
apply: 13197

(1) The pursuit takes place without unreasonable delay after 13198  
the offense is committed; 13199

(2) The pursuit is initiated within the limits of the 13200  
political subdivision, metropolitan housing authority housing 13201  
project, regional transit authority facilities or those areas of a 13202  
municipal corporation that have been agreed to by a regional 13203  
transit authority and a municipal corporation located within its 13204  
territorial jurisdiction, port authority, municipal airport or 13205  
other municipal air navigation facility, college, or university in 13206  
which the peace officer is appointed, employed, or elected or 13207  
within the limits of the territorial jurisdiction of the peace 13208  
officer; 13209

(3) The offense involved is a felony, a misdemeanor of the 13210

first degree or a substantially equivalent municipal ordinance, a 13211  
misdemeanor of the second degree or a substantially equivalent 13212  
municipal ordinance, or any offense for which points are 13213  
chargeable pursuant to section 4510.036 of the Revised Code. 13214

(E) In addition to the authority granted under division (A) 13215  
or (B) of this section: 13216

(1) A sheriff or deputy sheriff may arrest and detain, until 13217  
a warrant can be obtained, any person found violating section 13218  
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 13219  
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 13220  
portion of any street or highway that is located immediately 13221  
adjacent to the boundaries of the county in which the sheriff or 13222  
deputy sheriff is elected or appointed. 13223

(2) A member of the police force of a township police 13224  
district created under section 505.48 of the Revised Code, a 13225  
member of the police force of a joint township police district 13226  
created under section 505.481 of the Revised Code, or a township 13227  
constable appointed in accordance with section 509.01 of the 13228  
Revised Code, who has received a certificate from the Ohio peace 13229  
officer training commission under section 109.75 of the Revised 13230  
Code, may arrest and detain, until a warrant can be obtained, any 13231  
person found violating any section or chapter of the Revised Code 13232  
listed in division (E)(1) of this section, other than sections 13233  
4513.33 and 4513.34 of the Revised Code, on the portion of any 13234  
street or highway that is located immediately adjacent to the 13235  
boundaries of the township police district or joint township 13236  
police district, in the case of a member of a township police 13237  
district or joint township police district police force, or the 13238  
unincorporated territory of the township, in the case of a 13239  
township constable. However, if the population of the township 13240  
that created the township police district served by the member's 13241  
police force, or the townships that created the joint township 13242

police district served by the member's police force, or the 13243  
township that is served by the township constable, is sixty 13244  
thousand or less, the member of the township police district or 13245  
joint police district police force or the township constable may 13246  
not make an arrest under division (E)(2) of this section on a 13247  
state highway that is included as part of the interstate system. 13248

(3) A police officer or village marshal appointed, elected, 13249  
or employed by a municipal corporation may arrest and detain, 13250  
until a warrant can be obtained, any person found violating any 13251  
section or chapter of the Revised Code listed in division (E)(1) 13252  
of this section on the portion of any street or highway that is 13253  
located immediately adjacent to the boundaries of the municipal 13254  
corporation in which the police officer or village marshal is 13255  
appointed, elected, or employed. 13256

(4) A peace officer of the department of natural resources or 13257  
an individual designated to perform law enforcement duties under 13258  
section 511.232, 1545.13, or 6101.75 of the Revised Code may 13259  
arrest and detain, until a warrant can be obtained, any person 13260  
found violating any section or chapter of the Revised Code listed 13261  
in division (E)(1) of this section, other than sections 4513.33 13262  
and 4513.34 of the Revised Code, on the portion of any street or 13263  
highway that is located immediately adjacent to the boundaries of 13264  
the lands and waters that constitute the territorial jurisdiction 13265  
of the peace officer. 13266

(F)(1) A department of mental health special police officer 13267  
or a department of mental retardation and developmental 13268  
disabilities special police officer may arrest without a warrant 13269  
and detain until a warrant can be obtained any person found 13270  
committing on the premises of any institution under the 13271  
jurisdiction of the particular department a misdemeanor under a 13272  
law of the state. 13273

A department of mental health special police officer or a 13274

department of mental retardation and developmental disabilities 13275  
special police officer may arrest without a warrant and detain 13276  
until a warrant can be obtained any person who has been 13277  
hospitalized, institutionalized, or confined in an institution 13278  
under the jurisdiction of the particular department pursuant to or 13279  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 13280  
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 13281  
found committing on the premises of any institution under the 13282  
jurisdiction of the particular department a violation of section 13283  
2921.34 of the Revised Code that involves an escape from the 13284  
premises of the institution. 13285

(2)(a) If a department of mental health special police 13286  
officer or a department of mental retardation and developmental 13287  
disabilities special police officer finds any person who has been 13288  
hospitalized, institutionalized, or confined in an institution 13289  
under the jurisdiction of the particular department pursuant to or 13290  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 13291  
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 13292  
violation of section 2921.34 of the Revised Code that involves an 13293  
escape from the premises of the institution, or if there is 13294  
reasonable ground to believe that a violation of section 2921.34 13295  
of the Revised Code has been committed that involves an escape 13296  
from the premises of an institution under the jurisdiction of the 13297  
department of mental health or the department of mental 13298  
retardation and developmental disabilities and if a department of 13299  
mental health special police officer or a department of mental 13300  
retardation and developmental disabilities special police officer 13301  
has reasonable cause to believe that a particular person who has 13302  
been hospitalized, institutionalized, or confined in the 13303  
institution pursuant to or under authority of section 2945.37, 13304  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 13305  
Revised Code is guilty of the violation, the special police 13306  
officer, outside of the premises of the institution, may pursue, 13307

arrest, and detain that person for that violation of section 13308  
2921.34 of the Revised Code, until a warrant can be obtained, if 13309  
both of the following apply: 13310

(i) The pursuit takes place without unreasonable delay after 13311  
the offense is committed; 13312

(ii) The pursuit is initiated within the premises of the 13313  
institution from which the violation of section 2921.34 of the 13314  
Revised Code occurred. 13315

(b) For purposes of division (F)(2)(a) of this section, the 13316  
execution of a written statement by the administrator of the 13317  
institution in which a person had been hospitalized, 13318  
institutionalized, or confined pursuant to or under authority of 13319  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 13320  
2945.402 of the Revised Code alleging that the person has escaped 13321  
from the premises of the institution in violation of section 13322  
2921.34 of the Revised Code constitutes reasonable ground to 13323  
believe that the violation was committed and reasonable cause to 13324  
believe that the person alleged in the statement to have committed 13325  
the offense is guilty of the violation. 13326

(G) As used in this section: 13327

(1) A "department of mental health special police officer" 13328  
means a special police officer of the department of mental health 13329  
designated under section 5119.14 of the Revised Code who is 13330  
certified by the Ohio peace officer training commission under 13331  
section 109.77 of the Revised Code as having successfully 13332  
completed an approved peace officer basic training program. 13333

(2) A "department of mental retardation and developmental 13334  
disabilities special police officer" means a special police 13335  
officer of the department of mental retardation and developmental 13336  
disabilities designated under section 5123.13 of the Revised Code 13337  
who is certified by the Ohio peace officer training council under 13338

section 109.77 of the Revised Code as having successfully 13339  
completed an approved peace officer basic training program. 13340

(3) "Deadly weapon" has the same meaning as in section 13341  
2923.11 of the Revised Code. 13342

(4) "Family or household member" has the same meaning as in 13343  
section 2919.25 of the Revised Code. 13344

(5) "Street" or "highway" has the same meaning as in section 13345  
4511.01 of the Revised Code. 13346

(6) "Interstate system" has the same meaning as in section 13347  
5516.01 of the Revised Code. 13348

(7) "Peace officer of the department of natural resources" 13349  
means an employee of the department of natural resources who is a 13350  
natural resources law enforcement staff officer designated 13351  
pursuant to section 1501.013 of the Revised Code, a forest officer 13352  
designated pursuant to section 1503.29 of the Revised Code, a 13353  
preserve officer designated pursuant to section 1517.10 of the 13354  
Revised Code, a wildlife officer designated pursuant to section 13355  
1531.13 of the Revised Code, a park officer designated pursuant to 13356  
section 1541.10 of the Revised Code, or a state watercraft officer 13357  
designated pursuant to section 1547.521 of the Revised Code. 13358

(8) "Portion of any street or highway" means all lanes of the 13359  
street or highway irrespective of direction of travel, including 13360  
designated turn lanes, and any berm, median, or shoulder. 13361

**Sec. 3109.04.** (A) In any divorce, legal separation, or 13362  
annulment proceeding and in any proceeding pertaining to the 13363  
allocation of parental rights and responsibilities for the care of 13364  
a child, upon hearing the testimony of either or both parents and 13365  
considering any mediation report filed pursuant to section 13366  
3109.052 of the Revised Code and in accordance with sections 13367  
3127.01 to 3127.53 of the Revised Code, the court shall allocate 13368

the parental rights and responsibilities for the care of the minor 13369  
children of the marriage. Subject to division (D)(2) of this 13370  
section, the court may allocate the parental rights and 13371  
responsibilities for the care of the children in either of the 13372  
following ways: 13373

(1) If neither parent files a pleading or motion in 13374  
accordance with division (G) of this section, if at least one 13375  
parent files a pleading or motion under that division but no 13376  
parent who filed a pleading or motion under that division also 13377  
files a plan for shared parenting, or if at least one parent files 13378  
both a pleading or motion and a shared parenting plan under that 13379  
division but no plan for shared parenting is in the best interest 13380  
of the children, the court, in a manner consistent with the best 13381  
interest of the children, shall allocate the parental rights and 13382  
responsibilities for the care of the children primarily to one of 13383  
the parents, designate that parent as the residential parent and 13384  
the legal custodian of the child, and divide between the parents 13385  
the other rights and responsibilities for the care of the 13386  
children, including, but not limited to, the responsibility to 13387  
provide support for the children and the right of the parent who 13388  
is not the residential parent to have continuing contact with the 13389  
children. 13390

(2) If at least one parent files a pleading or motion in 13391  
accordance with division (G) of this section and a plan for shared 13392  
parenting pursuant to that division and if a plan for shared 13393  
parenting is in the best interest of the children and is approved 13394  
by the court in accordance with division (D)(1) of this section, 13395  
the court may allocate the parental rights and responsibilities 13396  
for the care of the children to both parents and issue a shared 13397  
parenting order requiring the parents to share all or some of the 13398  
aspects of the physical and legal care of the children in 13399  
accordance with the approved plan for shared parenting. If the 13400

court issues a shared parenting order under this division and it 13401  
is necessary for the purpose of receiving public assistance, the 13402  
court shall designate which one of the parents' residences is to 13403  
serve as the child's home. The child support obligations of the 13404  
parents under a shared parenting order issued under this division 13405  
shall be determined in accordance with Chapters 3119., 3121., 13406  
3123., and 3125. of the Revised Code. 13407

(B)(1) When making the allocation of the parental rights and 13408  
responsibilities for the care of the children under this section 13409  
in an original proceeding or in any proceeding for modification of 13410  
a prior order of the court making the allocation, the court shall 13411  
take into account that which would be in the best interest of the 13412  
children. In determining the child's best interest for purposes of 13413  
making its allocation of the parental rights and responsibilities 13414  
for the care of the child and for purposes of resolving any issues 13415  
related to the making of that allocation, the court, in its 13416  
discretion, may and, upon the request of either party, shall 13417  
interview in chambers any or all of the involved children 13418  
regarding their wishes and concerns with respect to the 13419  
allocation. 13420

(2) If the court interviews any child pursuant to division 13421  
(B)(1) of this section, all of the following apply: 13422

(a) The court, in its discretion, may and, upon the motion of 13423  
either parent, shall appoint a guardian ad litem for the child. 13424

(b) The court first shall determine the reasoning ability of 13425  
the child. If the court determines that the child does not have 13426  
sufficient reasoning ability to express the child's wishes and 13427  
concern with respect to the allocation of parental rights and 13428  
responsibilities for the care of the child, it shall not determine 13429  
the child's wishes and concerns with respect to the allocation. If 13430  
the court determines that the child has sufficient reasoning 13431  
ability to express the child's wishes or concerns with respect to 13432

the allocation, it then shall determine whether, because of 13433  
special circumstances, it would not be in the best interest of the 13434  
child to determine the child's wishes and concerns with respect to 13435  
the allocation. If the court determines that, because of special 13436  
circumstances, it would not be in the best interest of the child 13437  
to determine the child's wishes and concerns with respect to the 13438  
allocation, it shall not determine the child's wishes and concerns 13439  
with respect to the allocation and shall enter its written 13440  
findings of fact and opinion in the journal. If the court 13441  
determines that it would be in the best interests of the child to 13442  
determine the child's wishes and concerns with respect to the 13443  
allocation, it shall proceed to make that determination. 13444

(c) The interview shall be conducted in chambers, and no 13445  
person other than the child, the child's attorney, the judge, any 13446  
necessary court personnel, and, in the judge's discretion, the 13447  
attorney of each parent shall be permitted to be present in the 13448  
chambers during the interview. 13449

(3) No person shall obtain or attempt to obtain from a child 13450  
a written or recorded statement or affidavit setting forth the 13451  
child's wishes and concerns regarding the allocation of parental 13452  
rights and responsibilities concerning the child. No court, in 13453  
determining the child's best interest for purposes of making its 13454  
allocation of the parental rights and responsibilities for the 13455  
care of the child or for purposes of resolving any issues related 13456  
to the making of that allocation, shall accept or consider a 13457  
written or recorded statement or affidavit that purports to set 13458  
forth the child's wishes and concerns regarding those matters. 13459

(C) Prior to trial, the court may cause an investigation to 13460  
be made as to the character, family relations, past conduct, 13461  
earning ability, and financial worth of each parent and may order 13462  
the parents and their minor children to submit to medical, 13463  
psychological, and psychiatric examinations. The report of the 13464

investigation and examinations shall be made available to either 13465  
parent or the parent's counsel of record not less than five days 13466  
before trial, upon written request. The report shall be signed by 13467  
the investigator, and the investigator shall be subject to 13468  
cross-examination by either parent concerning the contents of the 13469  
report. The court may tax as costs all or any part of the expenses 13470  
for each investigation. 13471

If the court determines that either parent previously has 13472  
been convicted of or pleaded guilty to any criminal offense 13473  
involving any act that resulted in a child being a neglected 13474  
child, that either parent previously has been determined to be the 13475  
perpetrator of the neglectful act that is the basis of an 13476  
adjudication that a child is a neglected child, or that there is 13477  
reason to believe that either parent has acted in a manner 13478  
resulting in a child being a neglected child, the court shall 13479  
consider that fact against naming that parent the residential 13480  
parent and against granting a shared parenting decree. When the 13481  
court allocates parental rights and responsibilities for the care 13482  
of children or determines whether to grant shared parenting in any 13483  
proceeding, it shall consider whether either parent or any member 13484  
of the household of either parent has been convicted of or pleaded 13485  
guilty to a violation of section 2919.25 of the Revised Code or a 13486  
sexually oriented offense involving a victim who at the time of 13487  
the commission of the offense was a member of the family or 13488  
household that is the subject of the proceeding, has been 13489  
convicted of or pleaded guilty to any sexually oriented offense or 13490  
other offense involving a victim who at the time of the commission 13491  
of the offense was a member of the family or household that is the 13492  
subject of the proceeding and caused physical harm to the victim 13493  
in the commission of the offense, or has been determined to be the 13494  
perpetrator of the abusive act that is the basis of an 13495  
adjudication that a child is an abused child. If the court 13496  
determines that either parent has been convicted of or pleaded 13497

guilty to a violation of section 2919.25 of the Revised Code or a 13498  
sexually oriented offense involving a victim who at the time of 13499  
the commission of the offense was a member of the family or 13500  
household that is the subject of the proceeding, has been 13501  
convicted of or pleaded guilty to any sexually oriented offense or 13502  
other offense involving a victim who at the time of the commission 13503  
of the offense was a member of the family or household that is the 13504  
subject of the proceeding and caused physical harm to the victim 13505  
in the commission of the offense, or has been determined to be the 13506  
perpetrator of the abusive act that is the basis of an 13507  
adjudication that a child is an abused child, it may designate 13508  
that parent as the residential parent and may issue a shared 13509  
parenting decree or order only if it determines that it is in the 13510  
best interest of the child to name that parent the residential 13511  
parent or to issue a shared parenting decree or order and it makes 13512  
specific written findings of fact to support its determination. 13513

(D)(1)(a) Upon the filing of a pleading or motion by either 13514  
parent or both parents, in accordance with division (G) of this 13515  
section, requesting shared parenting and the filing of a shared 13516  
parenting plan in accordance with that division, the court shall 13517  
comply with division (D)(1)(a)(i), (ii), or (iii) of this section, 13518  
whichever is applicable: 13519

(i) If both parents jointly make the request in their 13520  
pleadings or jointly file the motion and also jointly file the 13521  
plan, the court shall review the parents' plan to determine if it 13522  
is in the best interest of the children. If the court determines 13523  
that the plan is in the best interest of the children, the court 13524  
shall approve it. If the court determines that the plan or any 13525  
part of the plan is not in the best interest of the children, the 13526  
court shall require the parents to make appropriate changes to the 13527  
plan to meet the court's objections to it. If changes to the plan 13528  
are made to meet the court's objections, and if the new plan is in 13529

the best interest of the children, the court shall approve the 13530  
plan. If changes to the plan are not made to meet the court's 13531  
objections, or if the parents attempt to make changes to the plan 13532  
to meet the court's objections, but the court determines that the 13533  
new plan or any part of the new plan still is not in the best 13534  
interest of the children, the court may reject the portion of the 13535  
parents' pleadings or deny their motion requesting shared 13536  
parenting of the children and proceed as if the request in the 13537  
pleadings or the motion had not been made. The court shall not 13538  
approve a plan under this division unless it determines that the 13539  
plan is in the best interest of the children. 13540

(ii) If each parent makes a request in the parent's pleadings 13541  
or files a motion and each also files a separate plan, the court 13542  
shall review each plan filed to determine if either is in the best 13543  
interest of the children. If the court determines that one of the 13544  
filed plans is in the best interest of the children, the court may 13545  
approve the plan. If the court determines that neither filed plan 13546  
is in the best interest of the children, the court may order each 13547  
parent to submit appropriate changes to the parent's plan or both 13548  
of the filed plans to meet the court's objections, or may select 13549  
one of the filed plans and order each parent to submit appropriate 13550  
changes to the selected plan to meet the court's objections. If 13551  
changes to the plan or plans are submitted to meet the court's 13552  
objections, and if any of the filed plans with the changes is in 13553  
the best interest of the children, the court may approve the plan 13554  
with the changes. If changes to the plan or plans are not 13555  
submitted to meet the court's objections, or if the parents submit 13556  
changes to the plan or plans to meet the court's objections but 13557  
the court determines that none of the filed plans with the 13558  
submitted changes is in the best interest of the children, the 13559  
court may reject the portion of the parents' pleadings or deny 13560  
their motions requesting shared parenting of the children and 13561  
proceed as if the requests in the pleadings or the motions had not 13562

been made. If the court approves a plan under this division, 13563  
either as originally filed or with submitted changes, or if the 13564  
court rejects the portion of the parents' pleadings or denies 13565  
their motions requesting shared parenting under this division and 13566  
proceeds as if the requests in the pleadings or the motions had 13567  
not been made, the court shall enter in the record of the case 13568  
findings of fact and conclusions of law as to the reasons for the 13569  
approval or the rejection or denial. Division (D)(1)(b) of this 13570  
section applies in relation to the approval or disapproval of a 13571  
plan under this division. 13572

(iii) If each parent makes a request in the parent's 13573  
pleadings or files a motion but only one parent files a plan, or 13574  
if only one parent makes a request in the parent's pleadings or 13575  
files a motion and also files a plan, the court in the best 13576  
interest of the children may order the other parent to file a plan 13577  
for shared parenting in accordance with division (G) of this 13578  
section. The court shall review each plan filed to determine if 13579  
any plan is in the best interest of the children. If the court 13580  
determines that one of the filed plans is in the best interest of 13581  
the children, the court may approve the plan. If the court 13582  
determines that no filed plan is in the best interest of the 13583  
children, the court may order each parent to submit appropriate 13584  
changes to the parent's plan or both of the filed plans to meet 13585  
the court's objections or may select one filed plan and order each 13586  
parent to submit appropriate changes to the selected plan to meet 13587  
the court's objections. If changes to the plan or plans are 13588  
submitted to meet the court's objections, and if any of the filed 13589  
plans with the changes is in the best interest of the children, 13590  
the court may approve the plan with the changes. If changes to the 13591  
plan or plans are not submitted to meet the court's objections, or 13592  
if the parents submit changes to the plan or plans to meet the 13593  
court's objections but the court determines that none of the filed 13594  
plans with the submitted changes is in the best interest of the 13595

children, the court may reject the portion of the parents' 13596  
pleadings or deny the parents' motion or reject the portion of the 13597  
parents' pleadings or deny their motions requesting shared 13598  
parenting of the children and proceed as if the request or 13599  
requests or the motion or motions had not been made. If the court 13600  
approves a plan under this division, either as originally filed or 13601  
with submitted changes, or if the court rejects the portion of the 13602  
pleadings or denies the motion or motions requesting shared 13603  
parenting under this division and proceeds as if the request or 13604  
requests or the motion or motions had not been made, the court 13605  
shall enter in the record of the case findings of fact and 13606  
conclusions of law as to the reasons for the approval or the 13607  
rejection or denial. Division (D)(1)(b) of this section applies in 13608  
relation to the approval or disapproval of a plan under this 13609  
division. 13610

(b) The approval of a plan under division (D)(1)(a)(ii) or 13611  
(iii) of this section is discretionary with the court. The court 13612  
shall not approve more than one plan under either division and 13613  
shall not approve a plan under either division unless it 13614  
determines that the plan is in the best interest of the children. 13615  
If the court, under either division, does not determine that any 13616  
filed plan or any filed plan with submitted changes is in the best 13617  
interest of the children, the court shall not approve any plan. 13618

(c) Whenever possible, the court shall require that a shared 13619  
parenting plan approved under division (D)(1)(a)(i), (ii), or 13620  
(iii) of this section ensure the opportunity for both parents to 13621  
have frequent and continuing contact with the child, unless 13622  
frequent and continuing contact with any parent would not be in 13623  
the best interest of the child. 13624

(d) If a court approves a shared parenting plan under 13625  
division (D)(1)(a)(i), (ii), or (iii) of this section, the 13626  
approved plan shall be incorporated into a final shared parenting 13627

decree granting the parents the shared parenting of the children. 13628  
Any final shared parenting decree shall be issued at the same time 13629  
as and shall be appended to the final decree of dissolution, 13630  
divorce, annulment, or legal separation arising out of the action 13631  
out of which the question of the allocation of parental rights and 13632  
responsibilities for the care of the children arose. 13633

No provisional shared parenting decree shall be issued in 13634  
relation to any shared parenting plan approved under division 13635  
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared 13636  
parenting decree issued under this division has immediate effect 13637  
as a final decree on the date of its issuance, subject to 13638  
modification or termination as authorized by this section. 13639

(2) If the court finds, with respect to any child under 13640  
eighteen years of age, that it is in the best interest of the 13641  
child for neither parent to be designated the residential parent 13642  
and legal custodian of the child, it may commit the child to a 13643  
relative of the child or certify a copy of its findings, together 13644  
with as much of the record and the further information, in 13645  
narrative form or otherwise, that it considers necessary or as the 13646  
juvenile court requests, to the juvenile court for further 13647  
proceedings, and, upon the certification, the juvenile court has 13648  
exclusive jurisdiction. 13649

(E)(1)(a) The court shall not modify a prior decree 13650  
allocating parental rights and responsibilities for the care of 13651  
children unless it finds, based on facts that have arisen since 13652  
the prior decree or that were unknown to the court at the time of 13653  
the prior decree, that a change has occurred in the circumstances 13654  
of the child, the child's residential parent, or either of the 13655  
parents subject to a shared parenting decree, and that the 13656  
modification is necessary to serve the best interest of the child. 13657  
In applying these standards, the court shall retain the 13658  
residential parent designated by the prior decree or the prior 13659

shared parenting decree, unless a modification is in the best interest of the child and one of the following applies:

(i) The residential parent agrees to a change in the residential parent or both parents under a shared parenting decree agree to a change in the designation of residential parent.

(ii) The child, with the consent of the residential parent or of both parents under a shared parenting decree, has been integrated into the family of the person seeking to become the residential parent.

(iii) The harm likely to be caused by a change of environment is outweighed by the advantages of the change of environment to the child.

(b) One or both of the parents under a prior decree allocating parental rights and responsibilities for the care of children that is not a shared parenting decree may file a motion requesting that the prior decree be modified to give both parents shared rights and responsibilities for the care of the children. The motion shall include both a request for modification of the prior decree and a request for a shared parenting order that complies with division (G) of this section. Upon the filing of the motion, if the court determines that a modification of the prior decree is authorized under division (E)(1)(a) of this section, the court may modify the prior decree to grant a shared parenting order, provided that the court shall not modify the prior decree to grant a shared parenting order unless the court complies with divisions (A) and (D)(1) of this section and, in accordance with those divisions, approves the submitted shared parenting plan and determines that shared parenting would be in the best interest of the children.

(2) In addition to a modification authorized under division (E)(1) of this section:

(a) Both parents under a shared parenting decree jointly may modify the terms of the plan for shared parenting approved by the court and incorporated by it into the shared parenting decree. Modifications under this division may be made at any time. The modifications to the plan shall be filed jointly by both parents with the court, and the court shall include them in the plan, unless they are not in the best interest of the children. If the modifications are not in the best interests of the children, the court, in its discretion, may reject the modifications or make modifications to the proposed modifications or the plan that are in the best interest of the children. Modifications jointly submitted by both parents under a shared parenting decree shall be effective, either as originally filed or as modified by the court, upon their inclusion by the court in the plan. Modifications to the plan made by the court shall be effective upon their inclusion by the court in the plan.

(b) The court may modify the terms of the plan for shared parenting approved by the court and incorporated by it into the shared parenting decree upon its own motion at any time if the court determines that the modifications are in the best interest of the children or upon the request of one or both of the parents under the decree. Modifications under this division may be made at any time. The court shall not make any modification to the plan under this division, unless the modification is in the best interest of the children.

(c) The court may terminate a prior final shared parenting decree that includes a shared parenting plan approved under division (D)(1)(a)(i) of this section upon the request of one or both of the parents or whenever it determines that shared parenting is not in the best interest of the children. The court may terminate a prior final shared parenting decree that includes a shared parenting plan approved under division (D)(1)(a)(ii) or

(iii) of this section if it determines, upon its own motion or 13723  
upon the request of one or both parents, that shared parenting is 13724  
not in the best interest of the children. If modification of the 13725  
terms of the plan for shared parenting approved by the court and 13726  
incorporated by it into the final shared parenting decree is 13727  
attempted under division (E)(2)(a) of this section and the court 13728  
rejects the modifications, it may terminate the final shared 13729  
parenting decree if it determines that shared parenting is not in 13730  
the best interest of the children. 13731

(d) Upon the termination of a prior final shared parenting 13732  
decree under division (E)(2)(c) of this section, the court shall 13733  
proceed and issue a modified decree for the allocation of parental 13734  
rights and responsibilities for the care of the children under the 13735  
standards applicable under divisions (A), (B), and (C) of this 13736  
section as if no decree for shared parenting had been granted and 13737  
as if no request for shared parenting ever had been made. 13738

(F)(1) In determining the best interest of a child pursuant 13739  
to this section, whether on an original decree allocating parental 13740  
rights and responsibilities for the care of children or a 13741  
modification of a decree allocating those rights and 13742  
responsibilities, the court shall consider all relevant factors, 13743  
including, but not limited to: 13744

(a) The wishes of the child's parents regarding the child's 13745  
care; 13746

(b) If the court has interviewed the child in chambers 13747  
pursuant to division (B) of this section regarding the child's 13748  
wishes and concerns as to the allocation of parental rights and 13749  
responsibilities concerning the child, the wishes and concerns of 13750  
the child, as expressed to the court; 13751

(c) The child's interaction and interrelationship with the 13752  
child's parents, siblings, and any other person who may 13753

significantly affect the child's best interest; 13754

(d) The child's adjustment to the child's home, school, and 13755  
community; 13756

(e) The mental and physical health of all persons involved in 13757  
the situation; 13758

(f) The parent more likely to honor and facilitate 13759  
court-approved parenting time rights or visitation and 13760  
companionship rights; 13761

(g) Whether either parent has failed to make all child 13762  
support payments, including all arrearages, that are required of 13763  
that parent pursuant to a child support order under which that 13764  
parent is an obligor; 13765

(h) Whether either parent or any member of the household of 13766  
either parent previously has been convicted of or pleaded guilty 13767  
to any criminal offense involving any act that resulted in a child 13768  
being an abused child or a neglected child; whether either parent, 13769  
in a case in which a child has been adjudicated an abused child or 13770  
a neglected child, previously has been determined to be the 13771  
perpetrator of the abusive or neglectful act that is the basis of 13772  
an adjudication; whether either parent or any member of the 13773  
household of either parent previously has been convicted of or 13774  
pleaded guilty to a violation of section 2919.25 of the Revised 13775  
Code or a sexually oriented offense involving a victim who at the 13776  
time of the commission of the offense was a member of the family 13777  
or household that is the subject of the current proceeding; 13778  
whether either parent or any member of the household of either 13779  
parent previously has been convicted of or pleaded guilty to any 13780  
offense involving a victim who at the time of the commission of 13781  
the offense was a member of the family or household that is the 13782  
subject of the current proceeding and caused physical harm to the 13783  
victim in the commission of the offense; and whether there is 13784

reason to believe that either parent has acted in a manner 13785  
resulting in a child being an abused child or a neglected child; 13786

(i) Whether the residential parent or one of the parents 13787  
subject to a shared parenting decree has continuously and 13788  
willfully denied the other parent's right to parenting time in 13789  
accordance with an order of the court; 13790

(j) Whether either parent has established a residence, or is 13791  
planning to establish a residence, outside this state. 13792

(2) In determining whether shared parenting is in the best 13793  
interest of the children, the court shall consider all relevant 13794  
factors, including, but not limited to, the factors enumerated in 13795  
division (F)(1) of this section, the factors enumerated in section 13796  
3119.23 of the Revised Code, and all of the following factors: 13797

(a) The ability of the parents to cooperate and make 13798  
decisions jointly, with respect to the children; 13799

(b) The ability of each parent to encourage the sharing of 13800  
love, affection, and contact between the child and the other 13801  
parent; 13802

(c) Any history of, or potential for, child abuse, spouse 13803  
abuse, other domestic violence, or parental kidnapping by either 13804  
parent; 13805

(d) The geographic proximity of the parents to each other, as 13806  
the proximity relates to the practical considerations of shared 13807  
parenting; 13808

(e) The recommendation of the guardian ad litem of the child, 13809  
if the child has a guardian ad litem. 13810

(3) When allocating parental rights and responsibilities for 13811  
the care of children, the court shall not give preference to a 13812  
parent because of that parent's financial status or condition. 13813

(G) Either parent or both parents of any children may file a 13814

pleading or motion with the court requesting the court to grant 13815  
both parents shared parental rights and responsibilities for the 13816  
care of the children in a proceeding held pursuant to division (A) 13817  
of this section. If a pleading or motion requesting shared 13818  
parenting is filed, the parent or parents filing the pleading or 13819  
motion also shall file with the court a plan for the exercise of 13820  
shared parenting by both parents. If each parent files a pleading 13821  
or motion requesting shared parenting but only one parent files a 13822  
plan or if only one parent files a pleading or motion requesting 13823  
shared parenting and also files a plan, the other parent as 13824  
ordered by the court shall file with the court a plan for the 13825  
exercise of shared parenting by both parents. The plan for shared 13826  
parenting shall be filed with the petition for dissolution of 13827  
marriage, if the question of parental rights and responsibilities 13828  
for the care of the children arises out of an action for 13829  
dissolution of marriage, or, in other cases, at a time at least 13830  
thirty days prior to the hearing on the issue of the parental 13831  
rights and responsibilities for the care of the children. A plan 13832  
for shared parenting shall include provisions covering all factors 13833  
that are relevant to the care of the children, including, but not 13834  
limited to, provisions covering factors such as physical living 13835  
arrangements, child support obligations, provision for the 13836  
children's medical and dental care, school placement, and the 13837  
parent with which the children will be physically located during 13838  
legal holidays, school holidays, and other days of special 13839  
importance. 13840

(H) If an appeal is taken from a decision of a court that 13841  
grants or modifies a decree allocating parental rights and 13842  
responsibilities for the care of children, the court of appeals 13843  
shall give the case calendar priority and handle it expeditiously. 13844

(I) Upon receipt of an order to active military service in 13845  
the uniformed services, a parent who is subject to an order 13846

allocating parental rights and responsibilities or in relation to 13847  
whom an action to allocate parental rights and responsibilities is 13848  
pending and who is ordered to active military service shall notify 13849  
the other parent who is subject to the order or in relation to 13850  
whom the case is pending of the order to active military service. 13851  
Either parent may apply to the court for a hearing to expedite an 13852  
allocation or modification proceeding. The application shall 13853  
include the date on which the active military service begins. 13854

The court shall schedule a hearing upon receipt of the 13855  
application and hold the hearing not later than thirty days after 13856  
receipt of the application, except that the court shall give the 13857  
case calendar priority and handle the case expeditiously if 13858  
exigent circumstances exist in the case. 13859

The court shall not modify a prior decree allocating parental 13860  
rights and responsibilities unless the court determines by clear 13861  
and convincing evidence that there has been a change in 13862  
circumstances of the child, the child's residential parent, or 13863  
either of the parents subject to a shared parenting decree, and 13864  
that modification is necessary to serve the best interest of the 13865  
child. The court shall not consider active military service in the 13866  
uniformed services in determining whether a change in 13867  
circumstances exists under this section. 13868

Nothing in this division shall prevent a court from issuing a 13869  
temporary order allocating or modifying parental rights and 13870  
responsibilities for the duration of the parent's active military 13871  
service. 13872

(J) As used in this section: 13873

(1) "Abused child" has the same meaning as in section 13874  
2151.031 of the Revised Code, and "neglected, 13875

(2) "Active military service" means the performance of active 13876  
military duty by a member of the uniformed services for a period 13877

<u>of more than thirty days.</u>	13878
(3) " <u>Neglected</u> child" has the same meaning as in section 2151.03 of the Revised Code.	13879 13880
<del>(2)</del> (4) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	13881 13882
(5) " <u>Uniformed services</u> " means the United States armed forces, army national guard and air national guard when engaged in active duty for training, or the commissioned corps of the United States public health service.	13883 13884 13885 13886
<del>(J)</del> (K) As used in the Revised Code, "shared parenting" means that the parents share, in the manner set forth in the plan for shared parenting that is approved by the court under division (D)(1) and described in division <del>(K)</del> (L)(6) of this section, all or some of the aspects of physical and legal care of their children.	13887 13888 13889 13890 13891
<del>(K)</del> (L) For purposes of the Revised Code:	13892
(1) A parent who is granted the care, custody, and control of a child under an order that was issued pursuant to this section prior to April 11, 1991, and that does not provide for shared parenting has "custody of the child" and "care, custody, and control of the child" under the order, and is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child under the order.	13893 13894 13895 13896 13897 13898 13899
(2) A parent who primarily is allocated the parental rights and responsibilities for the care of a child and who is designated as the residential parent and legal custodian of the child under an order that is issued pursuant to this section on or after April 11, 1991, and that does not provide for shared parenting has "custody of the child" and "care, custody, and control of the child" under the order, and is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child under the order.	13900 13901 13902 13903 13904 13905 13906 13907 13908

(3) A parent who is not granted custody of a child under an order that was issued pursuant to this section prior to April 11, 1991, and that does not provide for shared parenting is the "parent who is not the residential parent," the "parent who is not the residential parent and legal custodian," or the "noncustodial parent" of the child under the order.

(4) A parent who is not primarily allocated the parental rights and responsibilities for the care of a child and who is not designated as the residential parent and legal custodian of the child under an order that is issued pursuant to this section on or after April 11, 1991, and that does not provide for shared parenting is the "parent who is not the residential parent," the "parent who is not the residential parent and legal custodian," or the "noncustodial parent" of the child under the order.

(5) Unless the context clearly requires otherwise, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, both parents have "custody of the child" or "care, custody, and control of the child" under the order, to the extent and in the manner specified in the order.

(6) Unless the context clearly requires otherwise and except as otherwise provided in the order, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, each parent, regardless of where the child is physically located or with whom the child is residing at a particular point in time, as specified in the order, is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child.

(7) Unless the context clearly requires otherwise and except as otherwise provided in the order, a designation in the order of a parent as the residential parent for the purpose of determining the school the child attends, as the custodial parent for purposes

of claiming the child as a dependent pursuant to section 152(e) of 13941  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 13942  
1, as amended, or as the residential parent for purposes of 13943  
receiving public assistance pursuant to division (A)(2) of this 13944  
section, does not affect the designation pursuant to division 13945  
~~(K)~~(L)(6) of this section of each parent as the "residential 13946  
parent," the "residential parent and legal custodian," or the 13947  
"custodial parent" of the child. 13948

~~(L)~~(M) The court shall require each parent of a child to file 13949  
an affidavit attesting as to whether the parent, and the members 13950  
of the parent's household, have been convicted of or pleaded 13951  
guilty to any of the offenses identified in divisions (C) and 13952  
(F)(1)(h) of this section. 13953

**Sec. 3109.041.** (A) Parties to any custody decree issued 13954  
pursuant to section 3109.04 of the Revised Code prior to ~~the~~ 13955  
~~effective date of this amendment~~ April 11, 1991, may file a motion 13956  
with the court that issued the decree requesting the issuance of a 13957  
shared parenting decree in accordance with division (G) of section 13958  
3109.04 of the Revised Code. Upon the filing of the motion, the 13959  
court shall determine whether to grant the parents shared rights 13960  
and responsibilities for the care of the children in accordance 13961  
with divisions (A), (D)(1), ~~and~~ (E)(1), and (I) of section 3109.04 13962  
of the Revised Code. 13963

(B) A custody decree issued pursuant to section 3109.04 of 13964  
the Revised Code prior to ~~the effective date of this amendment~~ 13965  
April 11, 1991, that granted joint care, custody, and control of 13966  
the children to the parents shall not be affected or invalidated 13967  
by, and shall not be construed as being affected or invalidated 13968  
by, the provisions of section 3109.04 of the Revised Code relative 13969  
to the granting of a shared parenting decree or a decree 13970  
allocating parental rights and responsibilities for the care of 13971

children on and after ~~the effective date of this amendment~~ April 13972  
11, 1991. The decree issued prior to ~~the effective date of this~~ 13973  
~~amendment~~ April 11, 1991 shall remain in full force and effect, 13974  
subject to modification or termination pursuant to section 3109.04 13975  
of the Revised Code as that section exists on and after ~~the~~ 13976  
~~effective date of this amendment~~ April 11, 1991. 13977

(C) As used in this section, "joint custody" and "joint care, 13978  
custody, and control" have the same meaning as "shared parenting." 13979

**Sec. 3119.022.** When a court or child support enforcement 13980  
agency calculates the amount of child support to be paid pursuant 13981  
to a child support order in a proceeding in which one parent is 13982  
the residential parent and legal custodian of all of the children 13983  
who are the subject of the child support order or in which the 13984  
court issues a shared parenting order, the court or agency shall 13985  
use a worksheet identical in content and form to the following: 13986

CHILD SUPPORT COMPUTATION WORKSHEET 13987

SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER 13988

Name of parties ..... 13989

Case No. .... 13990

Number of minor children ..... 13991

The following parent was designated as residential parent and 13992

legal custodian: ..... mother ..... father ..... shared 13993

Column I Column II Column III 13994

Father Mother Combined 13995

INCOME: 13996

1.a. Annual gross income from 13997

employment or, when 13998

determined appropriate 13999

by the court or agency, 14000

average annual gross income 14001

from employment over a	14002
reasonable period of years.	14003
(Exclude overtime, bonuses,	14004
self-employment income, or	14005
commissions)..... \$..... \$.....	14006
b. Amount of overtime,	14007
bonuses, and commissions	14008
(year 1 representing the	14009
most recent year)	14010
Father	14011
Yr. 3 \$.....	14012
(Three years ago)	14013
Yr. 2 \$.....	14014
(Two years ago)	14015
Yr. 1 \$.....	14016
(Last calendar year)	14017
Average \$.....	14018
Mother	14011
Yr. 3 \$.....	14012
(Three years ago)	14013
Yr. 2 \$.....	14014
(Two years ago)	14015
Yr. 1 \$.....	14016
(Last calendar year)	14017
Average \$.....	14018
(Include in Col. I and/or	14019
Col. II the average of the	14020
three years or the year 1	14021
amount, whichever is less,	14022
if there exists a reasonable	14023
expectation that the total	14024
earnings from overtime and/or	14025
bonuses during the current	14026
calendar year will meet or	14027
exceed the amount that is	14028
the lower of the average	14029
of the three years or the	14030
year 1 amount. If, however,	14031
there exists a reasonable	14032
expectation that the total	14033
earnings from overtime/	14034

bonuses during the current			14035
calendar year will be less			14036
than the lower of the average			14037
of the 3 years or the year 1			14038
amount, include only the			14039
amount reasonably expected			14040
to be earned this year.)... \$..... \$.....			14041
			14042
2. For self-employment income:			14043
a. Gross receipts from			14044
business..... \$..... \$.....			14045
b. Ordinary and necessary			14046
business expenses..... \$..... \$.....			14047
c. 5.6% of adjusted gross			14048
income or the actual			14049
marginal difference between			14050
the actual rate paid by the			14051
self-employed individual			14052
and the F.I.C.A. rate ..... \$..... \$.....			14053
d. Adjusted gross income from			14054
self-employment (subtract			14055
the sum of 2b and 2c from			14056
2a)..... \$..... \$.....			14057
			14058
3. Annual income from interest			14059
and dividends (whether or			14060
not taxable)..... \$..... \$.....			14061
			14062
4. Annual income from			14063
unemployment compensation... \$..... \$.....			14064
			14065
5. Annual income from workers'			14066
compensation, disability			14067

insurance benefits, or social			14068
security disability/			14069
retirement benefits.....	\$.....	\$.....	14070
			14071
6. Other annual income			14072
(identify).....	\$.....	\$.....	14073
			14074
7.a. Total annual gross income			14075
(add lines 1a, 1b, 2d, and			14076
3-6).....	\$.....	\$.....	14077
b. <u>Health care maximum (multiply</u>			14078
<u>line 7a by 5%)</u>	<u>\$.....</u>	<u>\$.....</u>	14079
			14080
ADJUSTMENTS TO INCOME:			14081
8. Adjustment for minor children			14082
born to or adopted by either			14083
parent and another parent who			14084
are living with this parent;			14085
adjustment does not apply			14086
to stepchildren (number of			14087
children times federal income			14088
tax exemption less child			14089
support received, not to			14090
exceed the federal tax			14091
exemption).....	\$.....	\$.....	14092
			14093
9. Annual court-ordered support			14094
paid for other children....	\$.....	\$.....	14095
			14096
10. Annual court-ordered spousal			14097
support paid to any spouse			14098
or former spouse.....	\$.....	\$.....	14099
			14100

11. Amount of local income taxes			14101
actually paid or estimated			14102
to be paid.....	\$.....	\$.....	14103
			14104
12. Mandatory work-related			14105
deductions such as union			14106
dues, uniform fees, etc.			14107
(not including taxes, social			14108
security, or retirement)...	\$.....	\$.....	14109
			14110
13. Total gross income			14111
adjustments (add lines			14112
8 through 12).....	\$.....	\$.....	14113
			14114
14. Adjusted annual gross			14115
income (subtract line 13			14116
from line 7a).....	\$.....	\$.....	14117
			14118
15. Combined annual income that			14119
is basis for child support			14120
order (add line 14, Col. I			14121
and Col. II).....		\$.....	14122
			14123
16. Percentage of parent's			14124
income to total income			14125
a. Father (divide line 14,			14126
Col. I, by line 15, Col.			14127
III).....%			14128
b. Mother (divide line 14,			14129
Col. II, by line 15, Col.			14130
III).....%			14131
			14132
17. Basic combined child			14133

support obligation (refer		14134
to schedule, first column,		14135
locate the amount nearest		14136
to the amount on line 15,		14137
Col. III, then refer to		14138
column for number of		14139
children in this family.		14140
If the income of the		14141
parents is more than one		14142
sum but less than another,		14143
you may calculate the		14144
difference.).....	\$.....	14145
		14146
18. Annual support obligation per parent		14147
a. Father (multiply line 17,		14148
Col. III, by line 16a).....	\$.....	14149
b. Mother (multiply line 17,		14150
Col. III, by line 16b).....	\$.....	14151
		14152
19. Annual child care expenses		14153
for children who are the		14154
subject of this order that		14155
are work-, employment		14156
training-, or education-		14157
related, as approved by		14158
the court or agency		14159
(deduct tax credit from		14160
annual cost, whether or		14161
not claimed).....	\$.....	14162
	\$.....	14163
20. <del>Marginal, out of pocket</del>		14164
<del>costs, necessary to provide</del>		14165
<del>for health insurance for</del>		14166

<del>the children who are the</del>	14167
<del>subject of this order</del>	14168
<u>Actual out-of-pocket</u>	14169
<u>health insurance cost</u>	14170
<u>to parent for the children</u>	14171
<u>who are the subject of</u>	14172
<u>this order, if the parent</u>	14173
<u>is ordered to provide</u>	14174
<u>health insurance</u> ..... \$..... \$.....	14175
	14176

21. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:

Father (only if obligor	Mother (only if obligor	14178
or shared parenting)	or shared parenting)	14179
a. Additions: line 16a	b. Additions: line 16b	14180
times sum of amounts	times sum of amounts	14181
shown on line 19, Col. II	shown on line 19, Col. I	14182
and line 20, Col. II	and line 20, Col. I	14183
\$.....	\$.....	14184
c. Subtractions: line 16b	d. Subtractions: line 16a	14185
times sum of amounts	times sum of amounts	14186
shown on line 19, Col. I	shown on line 19, Col. II	14187
and line 20, Col. I	and line 20, Col. II	14188
\$.....	\$.....	14189
		14190

22. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:

a. Father: line 18a plus or	14192
minus the difference between	14193
line 21a minus line 21c	14194
..... \$.....	14195
b. Mother: line 18b plus or	14196
minus the difference between	14197
line 21b minus line 21d	14198

.....	\$.....	14199
		14200
23. ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		14201
a. (Line 22a or 22b, whichever		14202
line corresponds to the		14203
parent who is the obligor). \$.....		14204
b. Any non-means-tested		14205
benefits, including social		14206
security and veterans'		14207
benefits, paid to and		14208
received by a child or a		14209
person on behalf of the		14210
child due to death,		14211
disability, or retirement		14212
of the parent..... \$.....		14213
c. Actual annual obligation		14214
(subtract line 23b from		14215
line 23a)..... \$.....		14216
		14217
24. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT		14218
PROVIDED:		
<u>Father (only if obligor</u>	<u>Mother (only if obligor</u>	14219
<u>or shared parenting)</u>	<u>or shared parenting)</u>	14220
a. <u>Additions: line 16a times</u>	b. <u>Additions: line 16b times</u>	14221
<u>amount shown on line 19,</u>	<u>amount shown on line 19,</u>	14222
<u>Col. II</u>	<u>Col. I</u>	14223
<u>\$.....</u>	<u>\$.....</u>	14224
c. <u>Subtractions: line 16b</u>	d. <u>Subtractions: line 16a</u>	14225
<u>times amount shown on</u>	<u>times amount shown on</u>	14226
<u>line 19, Col. I</u>	<u>line 19, Col. II</u>	14227
<u>\$.....</u>	<u>\$.....</u>	14228
		14229
<u>25. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT</u>		14230

<u>WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>	14231
a. <u>Father: line 18a plus or</u>	14232
<u>minus the difference between</u>	
<u>line 24a minus line 24c</u>	
..... \$.....	14233
b. <u>Mother: line 18b plus or</u>	14234
<u>minus the difference between</u>	
<u>line 24b and 24d</u>	
..... \$.....	14235
	14236
26. <u>ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>	14237
a. <u>(Line 25a or 25b, whichever</u>	14238
<u>line corresponds to the</u>	
<u>parent who is the</u>	
<u>obligor)</u>	\$..... 14239
b. <u>Any non-means-tested</u>	14240
<u>benefits, including social</u>	
<u>security and veterans'</u>	
<u>benefits, paid to and</u>	
<u>received by a child or a</u>	
<u>person on behalf of the child</u>	
<u>due to death, disability, or</u>	
<u>retirement of the</u>	
<u>parent</u>	\$..... 14241
c. <u>Actual annual obligation</u>	14242
<u>(subtract line 26b from line</u>	
<u>26a</u>	\$..... 14243
	14244
27.a. <u>Deviation from sole residential parent support amount shown</u>	14245
<u>on line 23c if amount would be unjust or inappropriate: (see</u>	14246
<u>section 3119.23 of the Revised Code.) (Specific facts and</u>	14247
<u>monetary value must be stated.)</u>	14248
.....	14249



annual share, line 25 <del>28</del> , by			
12) plus any processing			
charge			
.....	\$.....	<u>\$.....</u>	14268
			14269
<u>30. FINAL CASH MEDICAL SUPPORT</u>			14270
<u>FIGURE: (this amount reflects</u>			
<u>the final, annual cash</u>			
<u>medical support to be paid by</u>			
<u>the obligor when neither</u>			
<u>parent provides health</u>			
<u>insurance coverage for the</u>			
<u>child; enter obligor's child</u>			
<u>support amount from</u>			
<u>line 7b</u>		<u>\$.....</u>	14271
			14272
<u>31. FOR DECREE: Cash medical</u>			14273
<u>support per month (divide</u>			
<u>line 30 by 12)</u>		<u>\$.....</u>	14274
Prepared by:			14275
Counsel: .....	Pro se: .....		14276
(For mother/father)			14277
CSEA: .....	Other: .....		14278
Worksheet Has Been Reviewed and Agreed To:			14279
.....	.....		14280
Mother	Date		14281
.....	.....		14282
Father	Date		14283
<b>Sec. 3119.023.</b> When a court or child support enforcement			14284
agency calculates the amount of child support to be paid pursuant			14285
to a court child support order in a proceeding in which the			14286
parents have split parental rights and responsibilities with			14287

respect to the children who are the subject of the child support	14288
order, the court or child support enforcement agency shall use a	14289
worksheet that is identical in content and form to the following:	14290
CHILD SUPPORT COMPUTATION WORKSHEET	14291
SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES	14292
Name of parties .....	14293
Case No. ....	14294
Number of minor children .....	14295
Number of minor children with mother .....	14296
Column I	14297
Column II	14297
Column III	14297
Father	14298
Mother	14298
Combined	14298
INCOME:	14299
1.a. Annual gross income from	14300
employment or, when	14301
determined appropriate	14302
by the court or agency,	14303
average annual gross income	14304
from employment over a	14305
reasonable period of years.	14306
(Exclude overtime, bonuses,	14307
self-employment income, or	14308
commissions).....	14309
\$.....	14309
\$.....	14309
b. Amount of overtime,	14310
bonuses, and commissions	14311
(year 1 representing the	14312
most recent year)	14313
Father	14314
Mother	14314
Yr. 3 \$.....	14315
(Three years ago)	14316
Yr. 2 \$.....	14317
(Two years ago)	14318
Yr. 3 \$.....	14315
(Three years ago)	14316
Yr. 2 \$.....	14317
(Two years ago)	14318

Yr. 1 \$.....	Yr. 1 \$.....	14319
(Last calendar year)	(Last calendar year)	14320
Average \$.....	\$.....	14321
(Include in Col. I and/or		14322
Col. II the average of the		14323
three years or the year 1		14324
amount, whichever is less,		14325
if there exists a reasonable		14326
expectation that the total		14327
earnings from overtime and/or		14328
bonuses during the current		14329
calendar year will meet or		14330
exceed the amount that is		14331
the lower of the average		14332
of the three years or the		14333
year 1 amount. If, however,		14334
there exists a reasonable		14335
expectation that the total		14336
earnings from overtime/		14337
bonuses during the current		14338
calendar year will be less		14339
than the lower of the average		14340
of the 3 years or the year 1		14341
amount, include only the		14342
amount reasonably expected		14343
to be earned this year.)... \$..... \$.....		14344
		14345
2. For self-employment income		14346
a. Gross receipts from		14347
business..... \$..... \$.....		14348
b. Ordinary and necessary		14349
business expenses..... \$..... \$.....		14350
c. 5.6% of adjusted gross		14351

income or the actual			14352
marginal difference between			14353
the actual rate paid by the			14354
self-employed individual			14355
and the F.I.C.A. rate .....	\$.....	\$.....	14356
d. Adjusted gross income from			14357
self-employment (subtract			14358
the sum of 2b and 2c from			14359
2a).....	\$.....	\$.....	14360
			14361
3. Annual income from interest			14362
and dividends (whether or			14363
not taxable).....	\$.....	\$.....	14364
			14365
4. Annual income from			14366
unemployment compensation...	\$.....	\$.....	14367
			14368
5. Annual income from workers'			14369
compensation, disability			14370
insurance benefits or social			14371
security disability			14372
retirement benefits.....	\$.....	\$.....	14373
			14374
6. Other annual income			14375
(identify).....	\$.....	\$.....	14376
			14377
7. <u>a.</u> Total annual gross income			14378
(add lines 1a, 1b, 2d, and			14379
3-6).....	\$.....	\$.....	14380
b. <u>Health care maximum</u>			14381
<u>(multiply line 7a</u>			14382
<u>by 5%)</u>	<u>\$.....</u>	<u>\$.....</u>	14383
			14384

ADJUSTMENTS TO INCOME:			14385
8. Adjustment for minor children			14386
born to or adopted by either			14387
parent and another parent who			14388
are living with this parent;			14389
adjustment does not apply			14390
to stepchildren (number of			14391
children times federal income			14392
tax exemption less child			14393
support received, not to			14394
exceed the federal tax			14395
exemption).....	\$.....	\$.....	14396
			14397
9. Annual court-ordered support			14398
paid for other children....	\$.....	\$.....	14399
			14400
10. Annual court-ordered spousal			14401
support paid to any spouse			14402
or former spouse.....	\$.....	\$.....	14403
			14404
11. Amount of local income taxes			14405
actually paid or estimated			14406
to be paid.....	\$.....	\$.....	14407
			14408
12. Mandatory work-related			14409
deductions such as union			14410
dues, uniform fees, etc.			14411
(not including taxes, social			14412
security, or retirement)...	\$.....	\$.....	14413
			14414
13. Total gross income			14415
adjustments (add lines			14416
8 through 12).....	\$.....	\$.....	14417

	14418
14. Adjusted annual gross	14419
income (subtract line 13	14420
from 7a)..... \$..... \$.....	14421
	14422
15. Combined annual income that	14423
is basis for child support	14424
order (add line 14, Col. I	14425
and Col. II)..... \$.....	14426
	14427
16. Percentage of parent's	14428
income to total income	14429
a. Father (divide line 14,	14430
Col. I, by line 15, Col.	14431
III).....%	14432
b. Mother (divide line 14,	14433
Col. II, by line 15, Col.	14434
III).....%	14435
	14436
17. Basic combined child	14437
support obligation (refer	14438
to schedule, first column,	14439
locate the amount nearest	14440
to the amount on line 15,	14441
Col. III, then refer to	14442
column for number of	14443
children with this parent.	14444
If the income of the	14445
parents is more than one	14446
sum but less than another,	14447
you may calculate the	14448
difference).....	14449
	14450

	For children	For children	14451
	for whom the	for whom the	14452
	mother is the	father is the	14453
	residential	residential	14454
	parent and	parent and	14455
	legal custodian	legal custodian	14456
	\$.....	\$.....	14457
			14458
18.	Annual support obligation per parent		14459
a.	Of father for children for		14460
	whom mother is the		14461
	residential parent and		14462
	legal custodian (multiply		14463
	line 17, Col. I, by line		14464
	16a).....	\$.....	14465
b.	Of mother for children for		14466
	whom the father is the		14467
	residential parent and		14468
	legal custodian (multiply		14469
	line 17, Col. II, by line		14470
	16b).....	\$.....	14471
			14472
19.	Annual child care expenses		14473
	for children who are the		14474
	subject of this order that		14475
	are work-, employment		14476
	training-, or education-		14477
	related, as approved by		14478
	the court or agency		14479
	(deduct tax credit from		14480
	annual cost whether or		14481
	not claimed).....	Paid by	14482
		father	14483
		mother	

	\$.....	\$.....	14484
			14485
20. <del>Marginal, out-of-pocket</del>			14486
<del>costs, necessary to provide</del>			14487
<del>for health insurance for</del>			14488
<del>the children who are the</del>			14489
<del>subject of this order.....</del>			14490
<u>Actual out-of-pocket health</u>			14491
<u>insurance cost to parent for</u>			
<u>children who are the subject</u>			
<u>of this order, if the parent</u>			
<u>is ordered to provide health</u>			
<u>insurance</u>	Paid by	Paid by	14492
	father	mother	14493
	\$.....	\$.....	14494
			14495
21. ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH INSURANCE IS</u>			14496
<u>PROVIDED:</u>			
Father		Mother	14497
a. Additions: line 16a		b. Additions: line 16b	14498
times sum of amounts		times sum of amounts	14499
shown on line 19, Col. II		shown on line 19, Col. I	14500
and line 20, Col. II		and line 20, Col. I	14501
\$.....		\$.....	14502
c. Subtractions: line 16b		d. Subtractions: line 16a	14503
times sum of amounts		times sum of amounts	14504
shown on line 19, Col. I		shown on line 19, Col. II	14505
and line 20, Col. I		and line 20, Col. II	14506
\$.....		\$.....	14507
			14508
22. ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>			14509
a. Father: line 18a plus line			14510
21a minus line 21c (if the			14511

amount on line 21c is	14512
greater than or equal to	14513
the amount on line 21a--	14514
enter the number on line	14515
18a in Col. I)..... \$.....	14516
b. Any non-means-tested	14517
benefits, including social	14518
security and veterans'	14519
benefits, paid to and	14520
received by children for	14521
whom the mother is the	14522
residential parent and	14523
legal custodian or a person	14524
on behalf of those children	14525
due to death, disability,	14526
or retirement of the	14527
father..... \$.....	14528
c. Actual annual obligation of	14529
father (subtract line 22b	14530
from line 22a)..... \$.....	14531
d. Mother: line 18b plus line	14532
21b minus line 21d (if the	14533
amount on line 21d is	14534
greater than or equal to	14535
the amount on line	14536
21b--enter the number on	14537
line 18b in Col. II)..... \$.....	14538
e. Any non-means-tested	14539
benefits, including social	14540
security and veterans'	14541
benefits, paid to and	14542
received by children for	14543
whom the father is the	14544

residential parent and		14545
legal custodian or a person		14546
on behalf of those children		14547
due to death, disability,		14548
or retirement of the		14549
mother.....	\$.....	14550
f. Actual annual obligation		14551
of mother (subtract line 22e		14552
from line 22d).....	\$.....	14553
g. Actual annual obligation		14554
payable (subtract lesser		14555
actual annual obligation		14556
from greater actual annual		14557
obligation using amounts in		14558
lines 22c and 22f to		14559
determine net child support		14560
payable).....	\$..... \$.....	14561
		14562
23. <u>ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT</u>		14563
<u>PROVIDED:</u>		
<u>Father</u>	<u>Mother</u>	14564
a. <u>Additions: line 16a times</u>	b. <u>Additions: line 16b times</u>	14565
<u>amount shown on line 19,</u>	<u>amount shown on line 19,</u>	
<u>Col. II</u>	<u>Col. I</u>	
<u>\$.....</u>	<u>\$.....</u>	14566
c. <u>Subtractions: line 16b</u>	d. <u>Subtractions: line 16a times</u>	14567
<u>times amount shown on line</u>	<u>amount shown on line 19,</u>	
<u>19, Col. I</u>	<u>Col. II</u>	
<u>\$.....</u>	<u>\$.....</u>	14568
		14569
24. <u>ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>		14570
a. <u>Father: line 18a plus line</u>		14571
<u>23a minus line 23c (if the</u>		

	<u>amount on line 23c is greater</u>		
	<u>than or equal to the amount</u>		
	<u>on line 23a, enter the number</u>		
	<u>on line 18a in</u>		
	<u>Col. I)</u>	<u>\$.....</u>	14572
b.	<u>Any non-means-tested</u>		14573
	<u>benefits, including social</u>		
	<u>security and veterans'</u>		
	<u>benefits, paid to and</u>		
	<u>received by a child for whom</u>		
	<u>the mother is the residential</u>		
	<u>parent and legal custodian,</u>		
	<u>or a person on behalf of the</u>		
	<u>child, due to death,</u>		
	<u>disability, or</u>		
	<u>retirement of the father</u>	<u>\$.....</u>	14574
c.	<u>Actual annual obligation of</u>		14575
	<u>the father (subtract line 24b</u>		
	<u>from line 24a)</u>	<u>\$.....</u>	14576
d.	<u>Mother: line 18b plus line</u>		14577
	<u>23b minus 23d (if the amount</u>		
	<u>on line 23d is greater than</u>		
	<u>or equal to the amount on</u>		
	<u>line 23b, enter the number on</u>		
	<u>line 18b in Col. II)</u>		
	<u>.....</u>	<u>\$.....</u>	14578
e.	<u>Any non-means-tested</u>		14579
	<u>benefits, including social</u>		
	<u>security and veterans'</u>		
	<u>benefits, paid to and</u>		
	<u>received by a child for whom</u>		
	<u>the father is the residential</u>		
	<u>parent and legal custodian,</u>		

	<u>or a person on behalf of the</u>		
	<u>child, due to death,</u>		
	<u>disability, or retirement of</u>		
	<u>the mother</u>		
	.....	\$.....	14580
f.	<u>Actual annual obligation of</u>		14581
	<u>the mother (subtract line 24e</u>		
	<u>from line 24d)</u>	\$.....	14582
g.	<u>Actual annual obligation</u>		14583
	<u>payable (subtract lesser</u>		
	<u>actual annual obligation from</u>		
	<u>greater annual obligation of</u>		
	<u>parents using amounts in</u>		
	<u>lines 24c and 24f to</u>		
	<u>determine net child support</u>		
	<u>payable)</u>		
	.....	\$.....	\$.....
			14584
h.	<u>Add line 7b, Col. I, to line</u>		14585
	<u>24g, Col. I, when father is</u>		
	<u>the obligor or line 7b, Col.</u>		
	<u>II, to line 24g, Col. II,</u>		
	<u>when mother is obligor</u>		
	.....	\$.....	\$.....
			14586
			14587
25.	<u>Deviation from split residential parent guideline amount</u>		14588
	<u>shown on line 22c or 22f, 22f, 24c, or 24f if amount would be</u>		
	<u>unjust or inappropriate: (see section 3119.23 of the Revised</u>		
	<u>Code.) (Specific facts and monetary value must be stated.)</u>		
	.....		14589
	.....		14590
	.....		14591
	.....		14592
		<u>WHEN</u>	<u>WHEN</u>
			14593





<u>(1) "Annual" means the period as defined in regulations</u>	14632
<u>issued by the United States secretary of health and human services</u>	14633
<u>to implement the Deficit Reduction Act of 2005 (P.L. 109-171).</u>	14634
<u>(2) "Title IV-A" has the same meaning as in section 5107.02</u>	14635
<u>of the Revised Code.</u>	14636
<u>(3) "Title IV-D case" has the same meaning as in section</u>	14637
<u>3125.01 of the Revised Code.</u>	14638
<b>Sec. 3119.29. (A)</b> As used in this section and sections	14639
3119.30 to 3119.56 of the Revised Code:	14640
<del>(A)</del> <u>(1) "Cash medical support" means an amount ordered to be</u>	14641
<u>paid in a child support order toward the cost of health insurance</u>	14642
<u>provided by a public entity, another parent, or person with whom</u>	14643
<u>the child resides, through employment or otherwise, or for other</u>	14644
<u>medical cost not covered by insurance.</u>	14645
<u>(2) "Federal poverty line" has the same meaning as defined in</u>	14646
<u>section 5104.01 of the Revised Code.</u>	14647
<u>(3) "Health care" means such medical support that includes</u>	14648
<u>coverage under a health insurance plan, payment of costs of</u>	14649
<u>premiums, co-payments, and deductibles, or payment for medical</u>	14650
<u>expenses incurred on behalf of the child.</u>	14651
<u>(4) "Health insurance coverage" means accessible health</u>	14652
<u>insurance that provides primary care services within either thirty</u>	14653
<u>miles or thirty minutes driving time from the residence of the</u>	14654
<u>child subject to the child support order.</u>	14655
<u>(5) "Health plan administrator" means any entity authorized</u>	14656
under Title XXXIX of the Revised Code to engage in the business of	14657
insurance in this state, any health insuring corporation, any	14658
legal entity that is self-insured and provides benefits to its	14659
employees or members, and the administrator of any such entity or	14660
corporation.	14661

~~(B)~~(6) "National medical support notice" means a form 14662  
required by the "Child Support Performance and Incentive Act of 14663  
1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as 14664  
amended, and jointly developed and promulgated by the secretary of 14665  
health and human services and the secretary of labor in federal 14666  
regulations adopted under that act as modified by the department 14667  
of job and family services under section 3119.291 of the Revised 14668  
Code. 14669

~~(C)~~(7) "Person required to provide health insurance coverage" 14670  
means the obligor, obligee, or both, required by the court under a 14671  
court child support order or by the child support enforcement 14672  
agency under an administrative child support order to provide 14673  
health insurance coverage pursuant to section 3119.30 of the 14674  
Revised Code. 14675

(8) Subject to division (B) of this section, "reasonable 14676  
cost" means the cost of private family health insurance that does 14677  
not exceed an amount equal to five per cent of the annual gross 14678  
income of the person responsible for the health care of the 14679  
children subject to the child support order. 14680

(9) "Title XIX" has the same meaning as defined in section 14681  
5111.20 of the Revised Code. 14682

(B) If the United States secretary of health and human 14683  
services issues a regulation defining "reasonable cost" or a 14684  
similar term or phrase relevant to the provisions in child support 14685  
orders relating to the provision of health care for children 14686  
subject to the orders, and if that definition is substantively 14687  
different from the meaning of "reasonable cost" as defined in 14688  
division (A) of this section, "reasonable cost" as used in this 14689  
section shall have the meaning as defined by the United States 14690  
secretary of health and human services. 14691

**Sec. 3119.30. (A)** In any action or proceeding in which a 14692

child support order is issued or modified, the court, with respect 14693  
to court child support orders, and the child support enforcement 14694  
agency, with respect to administrative child support orders, shall 14695  
determine the person responsible for the health care of the 14696  
children subject to the child support order. The determination 14697  
shall be based on information provided to the court or to the 14698  
child support enforcement agency under section 3119.31 of the 14699  
Revised Code. The order shall include ~~one of the following:~~ 14700

~~(A) A requirement that the obligor under the child support 14701  
order obtain health insurance coverage for the children if 14702  
coverage is available at a reasonable cost through a group policy, 14703  
contract, or plan offered by the obligor's employer or through any 14704  
other group policy, contract, or plan available to the obligor and 14705  
is not available for a more reasonable cost through a group 14706  
policy, contract, or plan available to the obligee;~~ 14707

~~(B)(1) A requirement that the obligee obtain health insurance 14708  
coverage for the children if coverage is available through a group 14709  
policy, contract, or plan offered by the obligee's employer or 14710  
through any other group policy, contract, or plan available to the 14711  
obligee and is available at a more reasonable cost than coverage 14712  
is available to the obligor;~~ 14713

(C)(2) A requirement that the obligor under the child support 14714  
order obtain health insurance coverage for the children if 14715  
coverage is available at a reasonable cost through any group 14716  
policy, contract, or plan available to the obligor and, in the 14717  
alternative, if the court or child support enforcement agency 14718  
determines that health insurance coverage is not available at a 14719  
reasonable cost to the obligee or obligor, and that the gross 14720  
income of the obligor is over one hundred fifty per cent of the 14721  
federal poverty line, pay cash medical support that is five per 14722  
cent of the obligor's annual gross income to either the office of 14723  
child support in the department of job and family services to 14724

defray the cost of expenditures under Title XIX to provide health 14725  
care for the children, or the obligee if the children are not 14726  
receiving assistance under Title XIX; 14727

(3) If health insurance coverage for the children is not 14728  
available at a reasonable cost ~~through a group policy, contract,~~ 14729  
~~or plan offered by the obligor's or obligee's employer or through~~ 14730  
~~any other group policy, contract, or plan available to the obligor~~ 14731  
or the obligee, a requirement that the obligor and the obligee 14732  
share liability for the cost of the ~~medical and~~ health care needs 14733  
of the children, under an equitable formula established by the 14734  
court, with respect to a court child support order, or the child 14735  
support enforcement agency, with respect to an administrative 14736  
child support order, with appropriate offset of the amount of any 14737  
cash medical payment ordered pursuant to division (A)(2) of this 14738  
section, and a requirement that if, after the issuance of the 14739  
order, health insurance coverage for the children becomes 14740  
available at a reasonable cost ~~through a group policy, contract,~~ 14741  
~~or plan offered by the obligor's or obligee's employer or through~~ 14742  
any ~~other~~ group policy, contract, or plan available to the obligor 14743  
or obligee, the obligor or obligee to whom the coverage becomes 14744  
available immediately inform the court, with respect to a court 14745  
child support order, or the child support enforcement agency, with 14746  
respect to an administrative child support order; 14747

~~(D)~~(4) A requirement that both the obligor and the obligee 14748  
obtain health insurance coverage for the children if coverage is 14749  
available for the children at a reasonable cost to both the 14750  
obligor and the obligee and dual coverage would provide for 14751  
coordination of medical benefits without unnecessary duplication 14752  
of coverage. 14753

(B) The court, with respect to court child support orders, 14754  
and the child support enforcement agency, with respect to 14755  
administrative child support orders, may determine and include in 14756

an order issued under division (A) of this section that longer 14757  
travel times are permissible if residents in part or all of the 14758  
service area customarily travel distances farther than thirty 14759  
miles or thirty minutes driving time or that primary care services 14760  
are accessible only by public transportation. 14761

**Sec. 3123.23.** (A) The director of job and family services 14762  
shall adopt rules under Chapter 119. of the Revised Code to 14763  
implement a program to collect arrearages owed under child support 14764  
orders from insurance claims, settlements, awards, and payments 14765  
based on information obtained pursuant to Title IV-D of the Social 14766  
Security Act, 42 U.S.C. 652. 14767

(B) Any insurer and any director, agent, or employee 14768  
authorized to act on behalf of an insurer, that releases 14769  
information or makes a disclosure in accordance with rules adopted 14770  
pursuant to this section shall be immune from liability in a civil 14771  
action for harm resulting from the disclosure. 14772

(C) As used in this section, "insurer" has the same meaning 14773  
as in section 3901.32 of the Revised Code. 14774

**Sec. 3125.12.** Each child support enforcement agency shall 14775  
enter into a plan of cooperation with the board of county 14776  
commissioners under section 307.983 of the Revised Code and comply 14777  
with each ~~fiscal grant~~ agreement the board enters into under 14778  
~~section~~ sections 307.98 and 5101.21 and contracts the board enters 14779  
into under sections 307.981 and 307.982 of the Revised Code that 14780  
affect the agency. 14781

**Sec. 3301.0711.** (A) The department of education shall: 14782

(1) Annually furnish to, grade, and score all tests required 14783  
by section 3301.0710 of the Revised Code to be administered by 14784  
city, local, exempted village, and joint vocational school 14785

districts, except that each district shall score any test 14786  
administered pursuant to division (B)(10) of this section. Each 14787  
test so furnished shall include the data verification code of the 14788  
student to whom the test will be administered, as assigned 14789  
pursuant to division (D)(2) of section 3301.0714 of the Revised 14790  
Code. In furnishing the practice versions of Ohio graduation tests 14791  
prescribed by division (F) of section 3301.0710 of the Revised 14792  
Code, the department shall make the tests available on its web 14793  
site for reproduction by districts. In awarding contracts for 14794  
grading tests, the department shall give preference to Ohio-based 14795  
entities employing Ohio residents. 14796

(2) Adopt rules for the ethical use of tests and prescribing 14797  
the manner in which the tests prescribed by section 3301.0710 of 14798  
the Revised Code shall be administered to students. 14799

(B) Except as provided in divisions (C) and (J) of this 14800  
section, the board of education of each city, local, and exempted 14801  
village school district shall, in accordance with rules adopted 14802  
under division (A) of this section: 14803

(1) Administer the reading test prescribed under division 14804  
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 14805  
to all students in the third grade who have not attained the score 14806  
designated for that test under division (A)(2)(c) of section 14807  
3301.0710 of the Revised Code. 14808

(2) Administer the mathematics test prescribed under division 14809  
(A)(1)(a) of section 3301.0710 of the Revised Code at least once 14810  
annually to all students in the third grade. 14811

(3) Administer the tests prescribed under division (A)(1)(b) 14812  
of section 3301.0710 of the Revised Code at least once annually to 14813  
all students in the fourth grade. 14814

(4) Administer the tests prescribed under division (A)(1)(c) 14815  
of section 3301.0710 of the Revised Code at least once annually to 14816

all students in the fifth grade. 14817

(5) Administer the tests prescribed under division (A)(1)(d) 14818  
of section 3301.0710 of the Revised Code at least once annually to 14819  
all students in the sixth grade. 14820

(6) Administer the tests prescribed under division (A)(1)(e) 14821  
of section 3301.0710 of the Revised Code at least once annually to 14822  
all students in the seventh grade. 14823

(7) Administer the tests prescribed under division (A)(1)(f) 14824  
of section 3301.0710 of the Revised Code at least once annually to 14825  
all students in the eighth grade. 14826

(8) Except as provided in division (B)(9) of this section, 14827  
administer any test prescribed under division (B) of section 14828  
3301.0710 of the Revised Code as follows: 14829

(a) At least once annually to all tenth grade students and at 14830  
least twice annually to all students in eleventh or twelfth grade 14831  
who have not yet attained the score on that test designated under 14832  
that division; 14833

(b) To any person who has successfully completed the 14834  
curriculum in any high school or the individualized education 14835  
program developed for the person by any high school pursuant to 14836  
section 3323.08 of the Revised Code but has not received a high 14837  
school diploma and who requests to take such test, at any time 14838  
such test is administered in the district. 14839

(9) In lieu of the board of education of any city, local, or 14840  
exempted village school district in which the student is also 14841  
enrolled, the board of a joint vocational school district shall 14842  
administer any test prescribed under division (B) of section 14843  
3301.0710 of the Revised Code at least twice annually to any 14844  
student enrolled in the joint vocational school district who has 14845  
not yet attained the score on that test designated under that 14846  
division. A board of a joint vocational school district may also 14847

administer such a test to any student described in division 14848  
(B)(8)(b) of this section. 14849

(10) If the district has been declared to be under an 14850  
academic watch or in a state of academic emergency pursuant to 14851  
section 3302.03 of the Revised Code or has a three-year average 14852  
graduation rate of not more than seventy-five per cent, administer 14853  
each test prescribed by division (F) of section 3301.0710 of the 14854  
Revised Code in September to all ninth grade students, beginning 14855  
in the school year that starts July 1, 2005. 14856

(C)(1)(a) Any student receiving special education services 14857  
under Chapter 3323. of the Revised Code may be excused from taking 14858  
any particular test required to be administered under this section 14859  
if the individualized education program developed for the student 14860  
pursuant to section 3323.08 of the Revised Code excuses the 14861  
student from taking that test and instead specifies an alternate 14862  
assessment method approved by the department of education as 14863  
conforming to requirements of federal law for receipt of federal 14864  
funds for disadvantaged pupils. To the extent possible, the 14865  
individualized education program shall not excuse the student from 14866  
taking a test unless no reasonable accommodation can be made to 14867  
enable the student to take the test. 14868

(b) Any alternate assessment approved by the department for a 14869  
student under this division shall produce measurable results 14870  
comparable to those produced by the tests which the alternate 14871  
assessments are replacing in order to allow for the student's 14872  
assessment results to be included in the data compiled for a 14873  
school district or building under section 3302.03 of the Revised 14874  
Code. 14875

(c) Any student enrolled in a chartered nonpublic school who 14876  
has been identified, based on an evaluation conducted in 14877  
accordance with section 3323.03 of the Revised Code or section 504 14878  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 14879

794, as amended, as a child with a disability shall be excused 14880  
from taking any particular test required to be administered under 14881  
this section if a plan developed for the student pursuant to rules 14882  
adopted by the state board excuses the student from taking that 14883  
test. In the case of any student so excused from taking a test, 14884  
the chartered nonpublic school shall not prohibit the student from 14885  
taking the test. 14886

(2) A district board may, for medical reasons or other good 14887  
cause, excuse a student from taking a test administered under this 14888  
section on the date scheduled, but any such test shall be 14889  
administered to such excused student not later than nine days 14890  
following the scheduled date. The board shall annually report the 14891  
number of students who have not taken one or more of the tests 14892  
required by this section to the state board of education not later 14893  
than the thirtieth day of June. 14894

(3) As used in this division, "limited English proficient 14895  
student" has the same meaning as in 20 U.S.C. 7801. 14896

No school district board shall excuse any limited English 14897  
proficient student from taking any particular test required to be 14898  
administered under this section, except that any limited English 14899  
proficient student who has been enrolled in United States schools 14900  
for less than one full school year shall not be required to take 14901  
any such reading or writing test. However, no board shall prohibit 14902  
a limited English proficient student who is not required to take a 14903  
test under this division from taking the test. A board may permit 14904  
any limited English proficient student to take any test required 14905  
to be administered under this section with appropriate 14906  
accommodations, as determined by the department. For each limited 14907  
English proficient student, each school district shall annually 14908  
assess that student's progress in learning English, in accordance 14909  
with procedures approved by the department. 14910

The governing authority of a chartered nonpublic school may 14911

excuse a limited English proficient student from taking any test 14912  
administered under this section. However, no governing authority 14913  
shall prohibit a limited English proficient student from taking 14914  
the test. 14915

(D)(1) In the school year next succeeding the school year in 14916  
which the tests prescribed by division (A)(1) or (B) of section 14917  
3301.0710 of the Revised Code or former division (A)(1), (A)(2), 14918  
or (B) of section 3301.0710 of the Revised Code as it existed 14919  
prior to September 11, 2001, are administered to any student, the 14920  
board of education of any school district in which the student is 14921  
enrolled in that year shall provide to the student intervention 14922  
services commensurate with the student's test performance, 14923  
including any intensive intervention required under section 14924  
3313.608 of the Revised Code, in any skill in which the student 14925  
failed to demonstrate at least a score at the proficient level on 14926  
the test. 14927

(2) Following any administration of the tests prescribed by 14928  
division (F) of section 3301.0710 of the Revised Code to ninth 14929  
grade students, each school district that has a three-year average 14930  
graduation rate of not more than seventy-five per cent shall 14931  
determine for each high school in the district whether the school 14932  
shall be required to provide intervention services to any students 14933  
who took the tests. In determining which high schools shall 14934  
provide intervention services based on the resources available, 14935  
the district shall consider each school's graduation rate and 14936  
scores on the practice tests. The district also shall consider the 14937  
scores received by ninth grade students on the reading and 14938  
mathematics tests prescribed under division (A)(1)(f) of section 14939  
3301.0710 of the Revised Code in the eighth grade in determining 14940  
which high schools shall provide intervention services. 14941

Each high school selected to provide intervention services 14942  
under this division shall provide intervention services to any 14943

student whose test results indicate that the student is failing to 14944  
make satisfactory progress toward being able to attain scores at 14945  
the proficient level on the Ohio graduation tests. Intervention 14946  
services shall be provided in any skill in which a student 14947  
demonstrates unsatisfactory progress and shall be commensurate 14948  
with the student's test performance. Schools shall provide the 14949  
intervention services prior to the end of the school year, during 14950  
the summer following the ninth grade, in the next succeeding 14951  
school year, or at any combination of those times. 14952

(E) Except as provided in section 3313.608 of the Revised 14953  
Code and division (M) of this section, no school district board of 14954  
education shall utilize any student's failure to attain a 14955  
specified score on any test administered under this section as a 14956  
factor in any decision to deny the student promotion to a higher 14957  
grade level. However, a district board may choose not to promote 14958  
to the next grade level any student who does not take any test 14959  
administered under this section or make up such test as provided 14960  
by division (C)(2) of this section and who is not exempt from the 14961  
requirement to take the test under division (C)(3) of this 14962  
section. 14963

(F) No person shall be charged a fee for taking any test 14964  
administered under this section. 14965

(G)(1) Each school district board shall ~~submit~~ designate one 14966  
location for the collection of tests administered in the spring 14967  
under division (B)(1) of this section and the tests administered 14968  
under divisions (B)(2) to (7) of this section. Each district board 14969  
shall submit the tests to the entity with which the department 14970  
contracts for the scoring of the tests as follows: 14971

(a) If the district's total enrollment in grades kindergarten 14972  
through twelve during the first full school week of October was 14973  
less than two thousand five hundred, not later than the Friday 14974  
after the tests are administered, ~~except that;~~ 14975

(b) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was two thousand five hundred or more, but less than seven thousand, not later than the Monday after the tests are administered; 14976  
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(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after the tests are administered. 14980  
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However, any such test that a student takes during the make-up period described in division (C)(2) of this section shall be submitted not later than the Friday following the day the student takes the test. 14984  
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(2) The department or an entity with which the department contracts for the scoring of the test shall send to each school district board a list of the individual test scores of all persons taking any test prescribed by division (A)(1) or (B) of section 3301.0710 of the Revised Code within sixty days after its administration, but in no case shall the scores be returned later than the fifteenth day of June following the administration. For any tests administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual test scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district. 14988  
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(H) Individual test scores on any tests administered under this section shall be released by a district board only in accordance with section 3319.321 of the Revised Code and the rules adopted under division (A) of this section. No district board or its employees shall utilize individual or aggregate test results in any manner that conflicts with rules for the ethical use of tests adopted pursuant to division (A) of this section. 15001  
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(I) Except as provided in division (G) of this section, the department or an entity with which the department contracts for the scoring of the test shall not release any individual test scores on any test administered under this section. The state board of education shall adopt rules to ensure the protection of student confidentiality at all times. The rules may require the use of the data verification codes assigned to students pursuant to division (D)(2) of section 3301.0714 of the Revised Code to protect the confidentiality of student test scores.

(J) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the cooperative education school district for administering any test prescribed under this section to students of the city, exempted village, or local school district who are attending school in the cooperative education school district.

(2) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any test prescribed under this section to both of the following:

(a) Students who are attending school in the cooperative

district and who, if the cooperative district were not 15040  
established, would be entitled to attend school in the city, 15041  
local, or exempted village school district pursuant to section 15042  
3313.64 or 3313.65 of the Revised Code; 15043

(b) Persons described in division (B)(8)(b) of this section. 15044

Any testing of students pursuant to such an agreement shall 15045  
be in lieu of any testing of such students or persons pursuant to 15046  
this section. 15047

(K)(1) Any chartered nonpublic school may participate in the 15048  
testing program by administering any of the tests prescribed by 15049  
section 3301.0710 or 3301.0712 of the Revised Code if the chief 15050  
administrator of the school specifies which tests the school 15051  
wishes to administer. Such specification shall be made in writing 15052  
to the superintendent of public instruction prior to the first day 15053  
of August of any school year in which tests are administered and 15054  
shall include a pledge that the nonpublic school will administer 15055  
the specified tests in the same manner as public schools are 15056  
required to do under this section and rules adopted by the 15057  
department. 15058

(2) The department of education shall furnish the tests 15059  
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 15060  
to any chartered nonpublic school electing to participate under 15061  
this division. 15062

(L)(1) The superintendent of the state school for the blind 15063  
and the superintendent of the state school for the deaf shall 15064  
administer the tests described by section 3301.0710 of the Revised 15065  
Code. Each superintendent shall administer the tests in the same 15066  
manner as district boards are required to do under this section 15067  
and rules adopted by the department of education and in conformity 15068  
with division (C)(1)(a) of this section. 15069

(2) The department of education shall furnish the tests 15070

described by section 3301.0710 of the Revised Code to each 15071  
superintendent. 15072

(M) Notwithstanding division (E) of this section, a school 15073  
district may use a student's failure to attain a score in at least 15074  
the basic range on the mathematics test described by division 15075  
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 15076  
the tests described by division (A)(1)(b), (c), (d), (e), or (f) 15077  
of section 3301.0710 of the Revised Code as a factor in retaining 15078  
that student in the current grade level. 15079

(N)(1) In the manner specified in divisions (N)(3) to (5) of 15080  
this section, the tests required by section 3301.0710 of the 15081  
Revised Code shall become public records pursuant to section 15082  
149.43 of the Revised Code on the first day of July following the 15083  
school year that the test was administered. 15084

(2) The department may field test proposed test questions 15085  
with samples of students to determine the validity, reliability, 15086  
or appropriateness of test questions for possible inclusion in a 15087  
future year's test. The department also may use anchor questions 15088  
on tests to ensure that different versions of the same test are of 15089  
comparable difficulty. 15090

Field test questions and anchor questions shall not be 15091  
considered in computing test scores for individual students. Field 15092  
test questions and anchor questions may be included as part of the 15093  
administration of any test required by section 3301.0710 of the 15094  
Revised Code. 15095

(3) Any field test question or anchor question administered 15096  
under division (N)(2) of this section shall not be a public 15097  
record. Such field test questions and anchor questions shall be 15098  
redacted from any tests which are released as a public record 15099  
pursuant to division (N)(1) of this section. 15100

(4) This division applies to the tests prescribed by division 15101

(A) of section 3301.0710 of the Revised Code. 15102

(a) The first administration of each test, as specified in 15103  
section 3301.0712 of the Revised Code, shall be a public record. 15104

(b) For subsequent administrations of each test, not less 15105  
than forty per cent of the questions on the test that are used to 15106  
compute a student's score shall be a public record. The department 15107  
shall determine which questions will be needed for reuse on a 15108  
future test and those questions shall not be public records and 15109  
shall be redacted from the test prior to its release as a public 15110  
record. However, for each redacted question, the department shall 15111  
inform each city, local, and exempted village school district of 15112  
the statewide academic standard adopted by the state board of 15113  
education under section 3301.079 of the Revised Code and the 15114  
corresponding benchmark to which the question relates. The 15115  
preceding sentence does not apply to field test questions that are 15116  
redacted under division (N)(3) of this section. 15117

(5) Each test prescribed by division (B) of section 3301.0710 15118  
of the Revised Code that is administered in the spring shall be a 15119  
public record. Each test prescribed by that division that is 15120  
administered in the fall or summer shall not be a public record. 15121

(0) As used in this section: 15122

(1) "Three-year average" means the average of the most recent 15123  
consecutive three school years of data. 15124

(2) "Dropout" means a student who withdraws from school 15125  
before completing course requirements for graduation and who is 15126  
not enrolled in an education program approved by the state board 15127  
of education or an education program outside the state. "Dropout" 15128  
does not include a student who has departed the country. 15129

(3) "Graduation rate" means the ratio of students receiving a 15130  
diploma to the number of students who entered ninth grade four 15131  
years earlier. Students who transfer into the district are added 15132

to the calculation. Students who transfer out of the district for 15133  
reasons other than dropout are subtracted from the calculation. If 15134  
a student who was a dropout in any previous year returns to the 15135  
same school district, that student shall be entered into the 15136  
calculation as if the student had entered ninth grade four years 15137  
before the graduation year of the graduating class that the 15138  
student joins. 15139

**Sec. 3301.0714.** (A) The state board of education shall adopt 15140  
rules for a statewide education management information system. The 15141  
rules shall require the state board to establish guidelines for 15142  
the establishment and maintenance of the system in accordance with 15143  
this section and the rules adopted under this section. The 15144  
guidelines shall include: 15145

(1) Standards identifying and defining the types of data in 15146  
the system in accordance with divisions (B) and (C) of this 15147  
section; 15148

(2) Procedures for annually collecting and reporting the data 15149  
to the state board in accordance with division (D) of this 15150  
section; 15151

(3) Procedures for annually compiling the data in accordance 15152  
with division (G) of this section; 15153

(4) Procedures for annually reporting the data to the public 15154  
in accordance with division (H) of this section. 15155

(B) The guidelines adopted under this section shall require 15156  
the data maintained in the education management information system 15157  
to include at least the following: 15158

(1) Student participation and performance data, for each 15159  
grade in each school district as a whole and for each grade in 15160  
each school building in each school district, that includes: 15161

(a) The numbers of students receiving each category of 15162

instructional service offered by the school district, such as 15163  
regular education instruction, vocational education instruction, 15164  
specialized instruction programs or enrichment instruction that is 15165  
part of the educational curriculum, instruction for gifted 15166  
students, instruction for handicapped students, and remedial 15167  
instruction. The guidelines shall require instructional services 15168  
under this division to be divided into discrete categories if an 15169  
instructional service is limited to a specific subject, a specific 15170  
type of student, or both, such as regular instructional services 15171  
in mathematics, remedial reading instructional services, 15172  
instructional services specifically for students gifted in 15173  
mathematics or some other subject area, or instructional services 15174  
for students with a specific type of handicap. The categories of 15175  
instructional services required by the guidelines under this 15176  
division shall be the same as the categories of instructional 15177  
services used in determining cost units pursuant to division 15178  
(C)(3) of this section. 15179

(b) The numbers of students receiving support or 15180  
extracurricular services for each of the support services or 15181  
extracurricular programs offered by the school district, such as 15182  
counseling services, health services, and extracurricular sports 15183  
and fine arts programs. The categories of services required by the 15184  
guidelines under this division shall be the same as the categories 15185  
of services used in determining cost units pursuant to division 15186  
(C)(4)(a) of this section. 15187

(c) Average student grades in each subject in grades nine 15188  
through twelve; 15189

(d) Academic achievement levels as assessed by the testing of 15190  
student achievement under sections 3301.0710 and 3301.0711 of the 15191  
Revised Code; 15192

(e) The number of students designated as having a 15193  
handicapping condition pursuant to division (C)(1) of section 15194

3301.0711 of the Revised Code;	15195
(f) The numbers of students reported to the state board	15196
pursuant to division (C)(2) of section 3301.0711 of the Revised	15197
Code;	15198
(g) Attendance rates and the average daily attendance for the	15199
year. For purposes of this division, a student shall be counted as	15200
present for any field trip that is approved by the school	15201
administration.	15202
(h) Expulsion rates;	15203
(i) Suspension rates;	15204
(j) The percentage of students receiving corporal punishment;	15205
(k) Dropout rates;	15206
(l) Rates of retention in grade;	15207
(m) For pupils in grades nine through twelve, the average	15208
number of carnegie units, as calculated in accordance with state	15209
board of education rules;	15210
(n) Graduation rates, to be calculated in a manner specified	15211
by the department of education that reflects the rate at which	15212
students who were in the ninth grade three years prior to the	15213
current year complete school and that is consistent with	15214
nationally accepted reporting requirements;	15215
(o) Results of diagnostic assessments administered to	15216
kindergarten students as required under section 3301.0715 of the	15217
Revised Code to permit a comparison of the academic readiness of	15218
kindergarten students. However, no district shall be required to	15219
report to the department the results of any diagnostic assessment	15220
administered to a kindergarten student if the parent of that	15221
student requests the district not to report those results.	15222
(2) Personnel and classroom enrollment data for each school	15223
district, including:	15224

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(d) The number of master teachers employed by each school district and each school building, once a definition of master teacher has been developed by the educator standards board pursuant to section 3319.61 of the Revised Code.

(3)(a) Student demographic data for each school district,

including information regarding the gender ratio of the school 15257  
district's pupils, the racial make-up of the school district's 15258  
pupils, the number of limited English proficient students in the 15259  
district, and an appropriate measure of the number of the school 15260  
district's pupils who reside in economically disadvantaged 15261  
households. The demographic data shall be collected in a manner to 15262  
allow correlation with data collected under division (B)(1) of 15263  
this section. Categories for data collected pursuant to division 15264  
(B)(3) of this section shall conform, where appropriate, to 15265  
standard practices of agencies of the federal government. 15266

(b) With respect to each student entering kindergarten, 15267  
whether the student previously participated in a public preschool 15268  
program, a private preschool program, or a head start program, and 15269  
the number of years the student participated in each of these 15270  
programs. 15271

(4) Any data required to be collected pursuant to federal 15272  
law. 15273

(C) The education management information system shall include 15274  
cost accounting data for each district as a whole and for each 15275  
school building in each school district. The guidelines adopted 15276  
under this section shall require the cost data for each school 15277  
district to be maintained in a system of mutually exclusive cost 15278  
units and shall require all of the costs of each school district 15279  
to be divided among the cost units. The guidelines shall require 15280  
the system of mutually exclusive cost units to include at least 15281  
the following: 15282

(1) Administrative costs for the school district as a whole. 15283  
The guidelines shall require the cost units under this division 15284  
(C)(1) to be designed so that each of them may be compiled and 15285  
reported in terms of average expenditure per pupil in formula ADM 15286  
in the school district, as determined pursuant to section 3317.03 15287  
of the Revised Code. 15288

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.

(4) Support or extracurricular services costs for each category of service directly provided to students and required by

guidelines adopted pursuant to division (B)(1)(b) of this section. 15320  
The guidelines shall require the cost units under division (C)(4) 15321  
of this section to be designed so that each of them may be 15322  
compiled and reported in terms of average expenditure per pupil 15323  
receiving the service in the school district as a whole and 15324  
average expenditure per pupil receiving the service in each 15325  
building in the school district and in terms of a total cost for 15326  
each category of service and, as a breakdown of the total cost, a 15327  
cost for each of the following components: 15328

(a) The cost of each support or extracurricular services 15329  
category required by guidelines adopted under division (B)(1)(b) 15330  
of this section that is provided directly to students by a 15331  
licensed employee, such as services provided by a guidance 15332  
counselor or any services provided by a licensed employee under a 15333  
supplemental contract; 15334

(b) The cost of each such services category provided directly 15335  
to students by a nonlicensed employee, such as janitorial 15336  
services, cafeteria services, or services of a sports trainer; 15337

(c) The cost of the administrative services related to each 15338  
services category in division (C)(4)(a) or (b) of this section, 15339  
such as the cost of any licensed or nonlicensed employees that 15340  
develop, supervise, coordinate, or otherwise are involved in 15341  
administering or aiding the delivery of each services category. 15342

(D)(1) The guidelines adopted under this section shall 15343  
require school districts to collect information about individual 15344  
students, staff members, or both in connection with any data 15345  
required by division (B) or (C) of this section or other reporting 15346  
requirements established in the Revised Code. The guidelines may 15347  
also require school districts to report information about 15348  
individual staff members in connection with any data required by 15349  
division (B) or (C) of this section or other reporting 15350  
requirements established in the Revised Code. The guidelines shall 15351

not authorize school districts to request social security numbers 15352  
of individual students. The guidelines shall prohibit the 15353  
reporting under this section of a student's name, address, and 15354  
social security number to the state board of education or the 15355  
department of education. The guidelines shall also prohibit the 15356  
reporting under this section of any personally identifiable 15357  
information about any student, except for the purpose of assigning 15358  
the data verification code required by division (D)(2) of this 15359  
section, to any other person unless such person is employed by the 15360  
school district or the information technology center operated 15361  
under section 3301.075 of the Revised Code and is authorized by 15362  
the district or technology center to have access to such 15363  
information or is employed by an entity with which the department 15364  
contracts for the scoring of tests administered under section 15365  
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 15366  
require school districts to provide the social security numbers of 15367  
individual staff members. 15368

(2) The guidelines shall provide for each school district or 15369  
community school to assign a data verification code that is unique 15370  
on a statewide basis over time to each student whose initial Ohio 15371  
enrollment is in that district or school and to report all 15372  
required individual student data for that student utilizing such 15373  
code. The guidelines shall also provide for assigning data 15374  
verification codes to all students enrolled in districts or 15375  
community schools on the effective date of the guidelines 15376  
established under this section. 15377

Individual student data shall be reported to the department 15378  
through the information technology centers utilizing the code but, 15379  
except as provided in section 3310.11 of the Revised Code, at no 15380  
time shall the state board or the department have access to 15381  
information that would enable any data verification code to be 15382  
matched to personally identifiable student data. 15383

Each school district shall ensure that the data verification 15384  
code is included in the student's records reported to any 15385  
subsequent school district or community school in which the 15386  
student enrolls. Any such subsequent district or school shall 15387  
utilize the same identifier in its reporting of data under this 15388  
section. 15389

The director of health shall request and receive, pursuant to 15390  
sections 3301.0723 and 3701.62 of the Revised Code, a data 15391  
verification code for a child who is receiving services under 15392  
division (A)(2) of section 3701.61 of the Revised Code. 15393

A school district or community school shall submit to the 15394  
eTech Ohio commission the data verification code for each of its 15395  
enrolled students who is also enrolled in a course offered through 15396  
the clearinghouse established under section 3353.21 of the Revised 15397  
Code. 15398

(E) The guidelines adopted under this section may require 15399  
school districts to collect and report data, information, or 15400  
reports other than that described in divisions (A), (B), and (C) 15401  
of this section for the purpose of complying with other reporting 15402  
requirements established in the Revised Code. The other data, 15403  
information, or reports may be maintained in the education 15404  
management information system but are not required to be compiled 15405  
as part of the profile formats required under division (G) of this 15406  
section or the annual statewide report required under division (H) 15407  
of this section. 15408

(F) Beginning with the school year that begins July 1, 1991, 15409  
the board of education of each school district shall annually 15410  
collect and report to the state board, in accordance with the 15411  
guidelines established by the board, the data required pursuant to 15412  
this section. A school district may collect and report these data 15413  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 15414

(G) The state board shall, in accordance with the procedures 15415  
it adopts, annually compile the data reported by each school 15416  
district pursuant to division (D) of this section. The state board 15417  
shall design formats for profiling each school district as a whole 15418  
and each school building within each district and shall compile 15419  
the data in accordance with these formats. These profile formats 15420  
shall: 15421

(1) Include all of the data gathered under this section in a 15422  
manner that facilitates comparison among school districts and 15423  
among school buildings within each school district; 15424

(2) Present the data on academic achievement levels as 15425  
assessed by the testing of student achievement maintained pursuant 15426  
to division (B)(1)(d) of this section. 15427

(H)(1) The state board shall, in accordance with the 15428  
procedures it adopts, annually prepare a statewide report for all 15429  
school districts and the general public that includes the profile 15430  
of each of the school districts developed pursuant to division (G) 15431  
of this section. Copies of the report shall be sent to each school 15432  
district. 15433

(2) The state board shall, in accordance with the procedures 15434  
it adopts, annually prepare an individual report for each school 15435  
district and the general public that includes the profiles of each 15436  
of the school buildings in that school district developed pursuant 15437  
to division (G) of this section. Copies of the report shall be 15438  
sent to the superintendent of the district and to each member of 15439  
the district board of education. 15440

(3) Copies of the reports received from the state board under 15441  
divisions (H)(1) and (2) of this section shall be made available 15442  
to the general public at each school district's offices. Each 15443  
district board of education shall make copies of each report 15444  
available to any person upon request and payment of a reasonable 15445

fee for the cost of reproducing the report. The board shall 15446  
annually publish in a newspaper of general circulation in the 15447  
school district, at least twice during the two weeks prior to the 15448  
week in which the reports will first be available, a notice 15449  
containing the address where the reports are available and the 15450  
date on which the reports will be available. 15451

(I) Any data that is collected or maintained pursuant to this 15452  
section and that identifies an individual pupil is not a public 15453  
record for the purposes of section 149.43 of the Revised Code. 15454

(J) As used in this section: 15455

~~(1) "School district" means any city, local, exempted 15456  
village, or joint vocational school district. 15457~~

~~(2) "Cost", "cost" means any expenditure for operating 15458  
expenses made by a school district excluding any expenditures for 15459  
debt retirement except for payments made to any commercial lending 15460  
institution for any loan approved pursuant to section 3313.483 of 15461  
the Revised Code. 15462~~

(K) Any person who removes data from the information system 15463  
established under this section for the purpose of releasing it to 15464  
any person not entitled under law to have access to such 15465  
information is subject to section 2913.42 of the Revised Code 15466  
prohibiting tampering with data. 15467

~~(L) Any time the department of education determines that a 15468  
school district has taken any of the actions described under 15469  
division (L)(1), (2), or (3) of this section, it shall make a 15470  
report of the actions of the district, send a copy of the report 15471  
to the superintendent of such school district, and maintain a copy 15472  
of the report in its files: 15473~~

~~(1) The school district fails to meet any deadline 15474  
established pursuant to this section for the reporting of any data 15475  
to the education management information system: 15476~~

~~(2) The school district fails to meet any deadline established pursuant to this section for the correction of any data reported to the education management information system;~~ 15477  
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~~(3) The school district reports data to the education management information system in a condition, as determined by the department, that indicates that the district did not make a good faith effort in reporting the data to the system.~~ 15480  
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~~Any report made under this division shall include recommendations for corrective action by the school district.~~ 15484  
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~~Upon making a report for the first time in a fiscal year, the department shall withhold ten per cent of the total amount due during that fiscal year under Chapter 3317. of the Revised Code to the school district to which the report applies. Upon making a second report in a fiscal year, the department shall withhold an additional twenty per cent of such total amount due during that fiscal year to the school district to which the report applies. The department shall not release such funds unless it determines that the district has taken corrective action. However, no such release of funds shall occur if the district fails to take corrective action within forty five days of the date upon which the report was made by the department.~~ 15486  
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(1) In accordance with division (L)(2) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section. 15498  
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(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions: 15505  
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(a) Notify the district in writing that the department has 15508  
determined that data has not been reported as required under this 15509  
section and require the district to review its data submission and 15510  
submit corrected data by a deadline established by the department. 15511  
The department also may require the district to develop a 15512  
corrective action plan, which shall include provisions for the 15513  
district to provide mandatory staff training on data reporting 15514  
procedures. 15515

(b) Withhold up to ten per cent of the total amount due to 15516  
the district under Chapter 3317. of the Revised Code for the 15517  
current fiscal year and, if not previously required under division 15518  
(L)(2)(a) of this section, require the district to develop a 15519  
corrective action plan in accordance with that division; 15520

(c) Withhold an additional amount of up to twenty per cent of 15521  
the total amount due to the district under Chapter 3317. of the 15522  
Revised Code for the current fiscal year; 15523

(d) Direct department staff or an outside entity to 15524  
investigate the district's data reporting practices and make 15525  
recommendations for subsequent actions. The recommendations may 15526  
include one or more of the following actions: 15527

(i) Arrange for an audit of the district's data reporting 15528  
practices by department staff or an outside entity; 15529

(ii) Conduct a site visit and evaluation of the district; 15530

(iii) Withhold an additional amount of up to thirty per cent 15531  
of the total amount due to the district under Chapter 3317. of the 15532  
Revised Code for the current fiscal year; 15533

(iv) Continue monitoring the district's data reporting; 15534

(v) Assign department staff to supervise the district's data 15535  
management system; 15536

(vi) Conduct an investigation to determine whether to suspend 15537

or revoke the license of any district employee in accordance with 15538  
division (N) of this section; 15539

(vii) Indicate on the report card issued for the district 15540  
under section 3302.03 of the Revised Code that the district has 15541  
been sanctioned for failing to report data as required by this 15542  
section; 15543

(viii) If incomplete or inaccurate data submitted by the 15544  
district likely caused the district to receive a higher 15545  
performance rating than it deserved under section 3302.03 of the 15546  
Revised Code, issue a revised report card for the district; 15547

(ix) Any other action designed to correct the district's data 15548  
reporting problems. 15549

(3) Any time the department takes an action against a school 15550  
district under division (L)(2) of this section, the department 15551  
shall make a report of the circumstances that prompted the action. 15552  
The department shall send a copy of the report to the district 15553  
superintendent and maintain a copy of the report in its files. 15554

(4) If any action taken under division (L)(2) of this section 15555  
resolves a school district's data reporting problems to the 15556  
department's satisfaction, the department shall not take any 15557  
further actions described by that division. If the department 15558  
withheld funds from the district under that division, the 15559  
department may release those funds to the district, except that if 15560  
the department withheld funding under division (L)(2)(c) of this 15561  
section, the department shall not release the funds withheld under 15562  
division (L)(2)(b) of this section and, if the department withheld 15563  
funding under division (L)(2)(d) of this section, the department 15564  
shall not release the funds withheld under division (L)(2)(b) or 15565  
(c) of this section. 15566

(5) Notwithstanding anything in this section to the contrary, 15567  
the department may use its own staff or an outside entity to 15568

conduct an audit of a school district's data reporting practices 15569  
any time the department has reason to believe the district has not 15570  
made a good faith effort to report data as required by this 15571  
section. If any audit conducted by an outside entity under 15572  
division (L)(2)(d)(i) or (5) of this section confirms that a 15573  
district has not made a good faith effort to report data as 15574  
required by this section, the district shall reimburse the 15575  
department for the full cost of the audit. The department may 15576  
withhold funds due to the district under Chapter 3317. of the 15577  
Revised Code for this purpose. 15578

(6) Prior to issuing a revised report card for a school 15579  
district under division (L)(2)(d)(viii) of this section, the 15580  
department may hold a hearing to provide the district with an 15581  
opportunity to demonstrate that it made a good faith effort to 15582  
report data as required by this section. The hearing shall be 15583  
conducted by a referee appointed by the department. Based on the 15584  
information provided in the hearing, the referee shall recommend 15585  
whether the department should issue a revised report card for the 15586  
district. If the referee affirms the department's contention that 15587  
the district did not make a good faith effort to report data as 15588  
required by this section, the district shall bear the full cost of 15589  
conducting the hearing and of issuing any revised report card. 15590

(7) If the department determines that any inaccurate data 15591  
reported under this section caused a school district to receive 15592  
excess funds under Chapter 3317. of the Revised Code in any fiscal 15593  
year, the district shall reimburse the department an amount equal 15594  
to the excess funds, in accordance with a payment schedule 15595  
determined by the department. The department may withhold funds 15596  
due to the district under Chapter 3317. of the Revised Code for 15597  
this purpose. 15598

(8) Any school district that has funds withheld under 15599  
division (L)(2) of this section may appeal the withholding in 15600

accordance with Chapter 119. of the Revised Code. 15601

(9) In all cases of a disagreement between the department and 15602  
a school district regarding the appropriateness of an action taken 15603  
under division (L)(2) of this section, the burden of proof shall 15604  
be on the district to demonstrate that it made a good faith effort 15605  
to report data as required by this section. 15606

(M) No information technology center or school district shall 15607  
acquire, change, or update its student administration software 15608  
package to manage and report data required to be reported to the 15609  
department unless it converts to a student software package that 15610  
is certified by the department. 15611

(N) The state board of education, in accordance with sections 15612  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 15613  
license as defined under division (A) of section 3319.31 of the 15614  
Revised Code that has been issued to any school district employee 15615  
found to have willfully reported erroneous, inaccurate, or 15616  
incomplete data to the education management information system. 15617

(O) No person shall release or maintain any information about 15618  
any student in violation of this section. Whoever violates this 15619  
division is guilty of a misdemeanor of the fourth degree. 15620

(P) The department shall disaggregate the data collected 15621  
under division (B)(1)(o) of this section according to the race and 15622  
socioeconomic status of the students assessed. No data collected 15623  
under that division shall be included on the report cards required 15624  
by section 3302.03 of the Revised Code. 15625

(Q) If the department cannot compile any of the information 15626  
required by division (C)(5) of section 3302.03 of the Revised Code 15627  
based upon the data collected under this section, the department 15628  
shall develop a plan and a reasonable timeline for the collection 15629  
of any data necessary to comply with that division. 15630

Sec. 3301.162. (A) If the governing authority of a chartered nonpublic school intends to close the school, the governing authority shall notify all of the following of that intent prior to closing the school: 15631  
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(1) The department of education; 15635

(2) The school district that receives auxiliary services funding under division (I) of section 3317.024 of the Revised Code on behalf of the students enrolled in the school; 15636  
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(3) The accrediting association that most recently accredited the school for purposes of chartering the school in accordance with the rules of the state board of education, if applicable. 15639  
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The notice shall include the school year and, if possible, the actual date the school will close. 15642  
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(B) The chief administrator of each chartered nonpublic school that closes shall deposit the school's records with the school district that received auxiliary services funding under division (I) of section 3317.024 of the Revised Code on behalf of the students enrolled in the school. 15644  
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The school district that receives the records may charge for and receive a one-time reimbursement from auxiliary services funding under division (I) of section 3317.024 of the Revised Code for costs the district incurred to store the records. 15649  
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Sec. 3301.53. (A) ~~Not later than July 1, 1988,~~ the The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county MR/DD boards, or eligible nonpublic schools. The rules shall include the following: 15653  
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(1) Standards ensuring that the preschool program is located 15660  
in a safe and convenient facility that accommodates the enrollment 15661  
of the program, is of the quality to support the growth and 15662  
development of the children according to the program objectives, 15663  
and meets the requirements of section 3301.55 of the Revised Code; 15664

(2) Standards ensuring that supervision, discipline, and 15665  
programs will be administered according to established objectives 15666  
and procedures; 15667

(3) Standards ensuring that preschool staff members and 15668  
nonteaching employees are recruited, employed, assigned, 15669  
evaluated, and provided inservice education without discrimination 15670  
on the basis of age, color, national origin, race, or sex; and 15671  
that preschool staff members and nonteaching employees are 15672  
assigned responsibilities in accordance with written position 15673  
descriptions commensurate with their training and experience; 15674

(4) A requirement that boards of education intending to 15675  
establish a preschool program ~~on or after March 17, 1989,~~ 15676  
demonstrate a need for a preschool program ~~that is not being met~~ 15677  
~~by any existing program providing child care,~~ prior to 15678  
establishing the program; 15679

(5) Requirements that children participating in preschool 15680  
programs have been immunized to the extent considered appropriate 15681  
by the state board to prevent the spread of communicable disease; 15682

(6) Requirements that the parents of preschool children 15683  
complete the emergency medical authorization form specified in 15684  
section 3313.712 of the Revised Code. 15685

(B) The state board of education in consultation with the 15686  
director of job and family services shall ensure that the rules 15687  
adopted by the state board under sections 3301.52 to 3301.58 of 15688  
the Revised Code are consistent with and meet or exceed the 15689  
requirements of Chapter 5104. of the Revised Code with regard to 15690

child day-care centers. The state board and the director of job and family services shall review all such rules at least once every five years.

(C) ~~On or before January 1, 1992, the~~ The state board of education, in consultation with the director of job and family services, shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for school child day-care centers under Chapter 5104. of the Revised Code.

**Sec. 3302.03.** (A) Annually the department of education shall report for each school district and each school building in a district all of the following:

(1) The extent to which the school district or building meets each of the applicable performance indicators created by the state board of education under section 3302.02 of the Revised Code and the number of applicable performance indicators that have been achieved;

(2) The performance index score of the school district or building;

(3) Whether the school district or building has made adequate yearly progress;

(4) Whether the school district or building is excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.

(B) Except as otherwise provided in ~~division~~ divisions (B)(6) and (7) of this section:

(1) A school district or building shall be declared excellent if it fulfills one of the following requirements:

(a) It makes adequate yearly progress and either meets at least ninety-four per cent of the applicable state performance

indicators or has a performance index score established by the 15721  
department. 15722

(b) It has failed to make adequate yearly progress for not 15723  
more than two consecutive years and either meets at least 15724  
ninety-four per cent of the applicable state performance 15725  
indicators or has a performance index score established by the 15726  
department. 15727

(2) A school district or building shall be declared effective 15728  
if it fulfills one of the following requirements: 15729

(a) It makes adequate yearly progress and either meets at 15730  
least seventy-five per cent but less than ninety-four per cent of 15731  
the applicable state performance indicators or has a performance 15732  
index score established by the department. 15733

(b) It does not make adequate yearly progress and either 15734  
meets at least seventy-five per cent of the applicable state 15735  
performance indicators or has a performance index score 15736  
established by the department, except that if it does not make 15737  
adequate yearly progress for three consecutive years, it shall be 15738  
declared in need of continuous improvement. 15739

(3) A school district or building shall be declared to be in 15740  
need of continuous improvement if it fulfills one of the following 15741  
requirements: 15742

(a) It makes adequate yearly progress, meets less than 15743  
seventy-five per cent of the applicable state performance 15744  
indicators, and has a performance index score established by the 15745  
department. 15746

(b) It does not make adequate yearly progress and either 15747  
meets at least fifty per cent but less than seventy-five per cent 15748  
of the applicable state performance indicators or has a 15749  
performance index score established by the department. 15750

(4) A school district or building shall be declared to be under an academic watch if it does not make adequate yearly progress and either meets at least thirty-one per cent but less than fifty per cent of the applicable state performance indicators or has a performance index score established by the department.

(5) A school district or building shall be declared to be in a state of academic emergency if it does not make adequate yearly progress, does not meet at least thirty-one per cent of the applicable state performance indicators, and has a performance index score established by the department.

(6) When designating performance ratings for school districts and buildings under divisions (B)(1) to (5) of this section, the department shall not assign a school district or building a lower designation from its previous year's designation based solely on one subgroup not making adequate yearly progress.

(7) Division (B)(7) of this section does not apply to any community school established under Chapter 3314. of the Revised Code in which a majority of the students are enrolled in a dropout prevention and recovery program.

A school district or building shall not be assigned a higher performance rating than in need of continuous improvement if at least ten per cent but not more than fifteen per cent of the enrolled students do not take all achievement tests prescribed for their grade level under section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than under an academic watch if more than fifteen per cent but not more than twenty per cent of the enrolled students do not take all achievement tests prescribed for their grade level under section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the

Revised Code. A school district or building shall not be assigned 15783  
a higher performance rating than in a state of academic emergency 15784  
if more than twenty per cent of the enrolled students do not take 15785  
all achievement tests prescribed for their grade level under 15786  
section 3301.0710 of the Revised Code from which they are not 15787  
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 15788  
the Revised Code. 15789

(C)(1) The department shall issue annual report cards for 15790  
each school district, each building within each district, and for 15791  
the state as a whole reflecting performance on the indicators 15792  
created by the state board under section 3302.02 of the Revised 15793  
Code, the performance index score, and adequate yearly progress. 15794

(2) The department shall include on the report card for each 15795  
district information pertaining to any change from the previous 15796  
year made by the school district or school buildings within the 15797  
district on any performance indicator. 15798

(3) When reporting data on student performance, the 15799  
department shall disaggregate that data according to the following 15800  
categories: 15801

(a) Performance of students by age group; 15802

(b) Performance of students by race and ethnic group; 15803

(c) Performance of students by gender; 15804

(d) Performance of students grouped by those who have been 15805  
enrolled in a district or school for three or more years; 15806

(e) Performance of students grouped by those who have been 15807  
enrolled in a district or school for more than one year and less 15808  
than three years; 15809

(f) Performance of students grouped by those who have been 15810  
enrolled in a district or school for one year or less; 15811

(g) Performance of students grouped by those who are 15812

economically disadvantaged;	15813
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	15814 15815 15816
(i) Performance of students grouped by those who are classified as limited English proficient;	15817 15818
(j) Performance of students grouped by those who have disabilities;	15819 15820
(k) Performance of students grouped by those who are classified as migrants;	15821 15822
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	15823 15824 15825
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.	15826 15827 15828 15829 15830 15831
In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (C)(3) of this section that contains less than ten students.	15832 15833 15834 15835 15836 15837 15838
(4) The department may include with the report cards any additional education and fiscal performance data it deems valuable.	15839 15840 15841
(5) The department shall include on each report card a list	15842

of additional information collected by the department that is 15843  
available regarding the district or building for which the report 15844  
card is issued. When available, such additional information shall 15845  
include student mobility data disaggregated by race and 15846  
socioeconomic status, college enrollment data, and the reports 15847  
prepared under section 3302.031 of the Revised Code. 15848

The department shall maintain a site on the world wide web. 15849  
The report card shall include the address of the site and shall 15850  
specify that such additional information is available to the 15851  
public at that site. The department shall also provide a copy of 15852  
each item on the list to the superintendent of each school 15853  
district. The district superintendent shall provide a copy of any 15854  
item on the list to anyone who requests it. 15855

(6)(a) This division does not apply to conversion community 15856  
schools that primarily enroll students between sixteen and 15857  
twenty-two years of age who dropped out of high school or are at 15858  
risk of dropping out of high school due to poor attendance, 15859  
disciplinary problems, or suspensions. 15860

For any district that sponsors a conversion community school 15861  
under Chapter 3314. of the Revised Code, the department shall 15862  
combine data regarding the academic performance of students 15863  
enrolled in the community school with comparable data from the 15864  
schools of the district for the purpose of calculating the 15865  
performance of the district as a whole on the report card issued 15866  
for the district. 15867

(b) Any district that leases a building to a community school 15868  
located in the district or that enters into an agreement with a 15869  
community school located in the district whereby the district and 15870  
the school endorse each other's programs may elect to have data 15871  
regarding the academic performance of students enrolled in the 15872  
community school combined with comparable data from the schools of 15873  
the district for the purpose of calculating the performance of the 15874

district as a whole on the district report card. Any district that 15875  
so elects shall annually file a copy of the lease or agreement 15876  
with the department. 15877

(7) The department shall include on each report card the 15878  
percentage of teachers in the district or building who are highly 15879  
qualified, as defined by the "No Child Left Behind Act of 2001," 15880  
and a comparison of that percentage with the percentages of such 15881  
teachers in similar districts and buildings. 15882

(8) The department shall include on the report card the 15883  
number of master teachers employed by each district and each 15884  
building once the data is available from the education management 15885  
information system established under section 3301.0714 of the 15886  
Revised Code. 15887

(D)(1) In calculating reading, writing, mathematics, social 15888  
studies, or science proficiency or achievement test passage rates 15889  
used to determine school district or building performance under 15890  
this section, the department shall include all students taking a 15891  
test with accommodation or to whom an alternate assessment is 15892  
administered pursuant to division (C)(1) or (3) of section 15893  
3301.0711 of the Revised Code. 15894

(2) In calculating performance index scores, rates of 15895  
achievement on the performance indicators established by the state 15896  
board under section 3302.02 of the Revised Code, and adequate 15897  
yearly progress for school districts and buildings under this 15898  
section, the department shall do all of the following: 15899

(a) Include for each district or building only those students 15900  
who are included in the ADM certified for the first full school 15901  
week of October and are continuously enrolled in the district or 15902  
building through the time of the spring administration of any test 15903  
prescribed by section 3301.0710 of the Revised Code that is 15904  
administered to the student's grade level; 15905

(b) Include cumulative totals from both the fall and spring 15906  
administrations of the third grade reading achievement test; 15907

(c) Except as required by the "No Child Left Behind Act of 15908  
2001" for the calculation of adequate yearly progress, exclude for 15909  
each district or building any limited English proficient student 15910  
who has been enrolled in United States schools for less than one 15911  
full school year. 15912

**Sec. 3302.10.** (A) Beginning July 1, 2007, the superintendent 15913  
of public instruction ~~shall~~ may establish an academic distress 15914  
commission for ~~each~~ any school district that has been declared to 15915  
be in a state of academic emergency pursuant to section 3302.03 of 15916  
the Revised Code and has failed to make adequate yearly progress 15917  
for four or more consecutive school years. Each commission shall 15918  
assist the district for which it was established in improving the 15919  
district's academic performance. 15920

Each commission is a body both corporate and politic, 15921  
constituting an agency and instrumentality of the state and 15922  
performing essential governmental functions of the state. A 15923  
commission shall be known as the "academic distress commission for 15924  
..... (name of school district)," and, in that name, may 15925  
exercise all authority vested in such a commission by this 15926  
section. A separate commission shall be established for each 15927  
school district designated by the superintendent of public 15928  
instruction. 15929

(B) Each academic distress commission shall consist of five 15930  
voting members, three of whom shall be appointed by the 15931  
superintendent of public instruction and two of whom shall be 15932  
residents of the applicable school district appointed by the 15933  
president of the district board of education ~~of the applicable~~ 15934  
~~school district.~~ When a school district becomes subject to this 15935  
section, the superintendent of public instruction shall provide 15936

written notification of that fact to the district board of 15937  
education and shall request the president of the district board to 15938  
submit to the superintendent of public instruction, in writing, 15939  
the names of the president's appointees to the commission. The 15940  
superintendent of public instruction and the president of the 15941  
district board shall make appointments to the commission within 15942  
thirty days after the district is notified that it is subject to 15943  
this section. 15944

Members of the commission shall serve at the pleasure of 15945  
their appointing authority during the life of the commission. In 15946  
the event of the death, resignation, incapacity, removal, or 15947  
ineligibility to serve of a member, the appointing authority shall 15948  
appoint a successor within fifteen days after the vacancy occurs. 15949  
Members shall serve without compensation, but shall be paid by the 15950  
commission their necessary and actual expenses incurred while 15951  
engaged in the business of the commission. 15952

(C) Immediately after appointment of the initial members of 15953  
an academic distress commission, the superintendent of public 15954  
instruction shall call the first meeting of the commission and 15955  
shall cause written notice of the time, date, and place of that 15956  
meeting to be given to each member of the commission at least 15957  
forty-eight hours in advance of the meeting. The first meeting 15958  
shall include an overview of the commission's roles and 15959  
responsibilities, the requirements of section 2921.42 and Chapter 15960  
102. of the Revised Code as they pertain to commission members, 15961  
the requirements of section 121.22 of the Revised Code, and the 15962  
provisions of division (F) of this section. At its first meeting, 15963  
the commission shall adopt temporary bylaws in accordance with 15964  
division (D) of this section to govern its operations until the 15965  
adoption of permanent bylaws. 15966

The superintendent of public instruction shall designate a 15967  
chairperson for the commission from among the members appointed by 15968

the superintendent. The chairperson shall call and conduct 15969  
meetings, set meeting agendas, and serve as a liaison between the 15970  
commission and the district board of education. The chairperson 15971  
also shall appoint a secretary, who shall not be a member of the 15972  
commission. 15973

The department of education shall provide administrative 15974  
support for the commission, provide data requested by the 15975  
commission, and inform the commission of available state resources 15976  
that could assist the commission in its work. 15977

(D) Each academic distress commission may adopt and alter 15978  
bylaws and rules, which shall not be subject to section 111.15 or 15979  
Chapter 119. of the Revised Code, for the conduct of its affairs 15980  
and for the manner, subject to this section, in which its powers 15981  
and functions shall be exercised and embodied. 15982

(E) Three members of an academic distress commission 15983  
constitute a quorum of the commission. The affirmative vote of 15984  
three members of the commission is necessary for any action taken 15985  
by vote of the commission. No vacancy in the membership of the 15986  
commission shall impair the rights of a quorum by such vote to 15987  
exercise all the rights and perform all the duties of the 15988  
commission. Members of the commission are not disqualified from 15989  
voting by reason of the functions of any other office they hold 15990  
and are not disqualified from exercising the functions of the 15991  
other office with respect to the school district, its officers, or 15992  
the commission. 15993

(F) The members of an academic distress commission, the 15994  
superintendent of public instruction, and any person authorized to 15995  
act on behalf of or assist them shall not be personally liable or 15996  
subject to any suit, judgment, or claim for damages resulting from 15997  
the exercise of or failure to exercise the powers, duties, and 15998  
functions granted to them in regard to their functioning under 15999  
this section, but the commission, superintendent of public 16000

instruction, and such other persons shall be subject to mandamus 16001  
proceedings to compel performance of their duties under this 16002  
section. 16003

(G) The members of an academic distress commission are not 16004  
subject to section 102.02 of the Revised Code, except that a 16005  
member who is subject to that section by virtue of holding another 16006  
office or position shall comply with that section with respect to 16007  
that other office or position. However, each member of the 16008  
commission shall file with the Ohio ethics commission a signed 16009  
written statement setting forth the general nature of sales of 16010  
goods, property, or services or of loans to the applicable school 16011  
district, in which the commission member has a pecuniary interest 16012  
or in which any member of the commission member's immediate 16013  
family, as defined in section 102.01 of the Revised Code, or any 16014  
corporation, partnership, or enterprise of which the commission 16015  
member is an officer, director, or partner, or of which the 16016  
commission member or a member of the commission member's immediate 16017  
family owns more than a five per cent interest, has a pecuniary 16018  
interest, and of which sale, loan, or interest the commission 16019  
member has knowledge. The statement shall be supplemented from 16020  
time to time to reflect changes in the general nature of any such 16021  
sales or loans. 16022

(H) Meetings of each academic distress commission shall be 16023  
subject to section 121.22 of the Revised Code. 16024

(I)(1) Within one hundred twenty days after the first meeting 16025  
of an academic distress commission, the commission shall adopt an 16026  
academic recovery plan to improve academic performance in the 16027  
school district. The plan shall address academic problems at both 16028  
the district and school levels. The plan shall include the 16029  
following: 16030

(a) Short-term and long-term actions to be taken to improve 16031  
the district's academic performance, including any actions 16032

required by section 3302.04 of the Revised Code; 16033

(b) The sequence and timing of the actions described in 16034  
division (I)(1)(a) of this section and the persons responsible for 16035  
implementing the actions; 16036

(c) Resources that will be applied toward improvement 16037  
efforts; 16038

(d) Procedures for monitoring and evaluating improvement 16039  
efforts; 16040

(e) Requirements for reporting to the commission and the 16041  
district board of education on the status of improvement efforts. 16042

(2) The commission may amend the academic recovery plan 16043  
subsequent to adoption. The commission shall update the plan at 16044  
least annually. 16045

(3) The commission shall submit the academic recovery plan it 16046  
adopts or updates to the superintendent of public instruction for 16047  
approval immediately following its adoption or updating. The 16048  
superintendent shall evaluate the plan and either approve or 16049  
disapprove it within thirty days after its submission. If the plan 16050  
is disapproved, the superintendent shall recommend modifications 16051  
that will render it acceptable. No academic distress commission 16052  
shall implement an academic recovery plan unless the 16053  
superintendent has approved it. 16054

(4) County, state, and school district officers and employees 16055  
shall assist the commission diligently and promptly in the 16056  
implementation of the academic recovery plan. 16057

(J) Each academic distress commission shall seek input from 16058  
the district board of education regarding ways to improve the 16059  
district's academic performance, but any decision of the 16060  
commission related to any authority granted to the commission 16061  
under this section shall be final. 16062

The commission may do any of the following: 16063

(1) Appoint school building administrators and reassign 16064  
administrative personnel; 16065

(2) Terminate the contracts of administrators or 16066  
administrative personnel. The commission shall not be required to 16067  
comply with section 3319.16 of the Revised Code with respect to 16068  
any contract terminated under this division. 16069

(3) Contract with a private entity to perform school or 16070  
district management functions; 16071

(4) Establish a budget for the district and approve district 16072  
appropriations and expenditures, unless a financial planning and 16073  
supervision commission has been established for the district 16074  
pursuant to section 3316.05 of the Revised Code. 16075

~~(D)~~(K) If the board of education of a district for which an 16076  
academic distress commission has been established under this 16077  
section renews any collective bargaining agreement under Chapter 16078  
4117. of the Revised Code during the existence of the commission, 16079  
the district board shall not enter into any agreement that would 16080  
render any decision of the commission unenforceable. Section 16081  
3302.08 of the Revised Code does not apply to this division. 16082

Notwithstanding any provision to the contrary in Chapter 16083  
4117. of the Revised Code, if the board of education has entered 16084  
into a collective bargaining agreement after ~~the effective date of~~ 16085  
~~this section~~ September 29, 2005, that contains stipulations 16086  
relinquishing one or more of the rights or responsibilities listed 16087  
in division (C) of section 4117.08 of the Revised Code, those 16088  
stipulations are not enforceable and the district board shall 16089  
resume holding those rights or responsibilities as if it had not 16090  
relinquished them in that agreement until such time as both the 16091  
academic distress commission ceases to exist and the district 16092  
board agrees to relinquish those rights or responsibilities in a 16093

new collective bargaining agreement. The provisions of this 16094  
paragraph apply to a collective bargaining agreement entered into 16095  
after ~~the effective date of this section~~ September 29, 2005, and 16096  
those provisions are deemed to be part of that agreement 16097  
regardless of whether the district satisfied the conditions 16098  
prescribed in division (A) of this section at the time the 16099  
district entered into that agreement. 16100

~~(E)~~(L) An academic distress commission shall cease to exist 16101  
when the district for which it was established receives a 16102  
performance rating under section 3302.03 of the Revised Code of in 16103  
need of continuous improvement or better for two ~~out~~ of the three 16104  
prior school years; however, the superintendent of public 16105  
instruction may dissolve the commission earlier if the 16106  
superintendent determines that the district can perform adequately 16107  
without the supervision of the commission. Upon termination of the 16108  
commission, the department of education shall compile a final 16109  
report of the commission's activities to assist other academic 16110  
distress commissions in the conduct of their functions. 16111

Sec. 3303.20. The superintendent of public instruction shall 16112  
appoint a supervisor of agricultural education within the 16113  
department of education. The supervisor shall be responsible for 16114  
administering and disseminating to school districts information 16115  
about agricultural education. 16116

The department shall maintain an appropriate number of 16117  
full-time employees focusing on agricultural education. The 16118  
department shall employ at least three program consultants who 16119  
shall be available to provide assistance to school districts on a 16120  
regional basis throughout the state. At least one consultant may 16121  
coordinate local activities of the student organization known as 16122  
the future farmers of America. 16123

Sec. 3310.51. As used in sections 3310.51 to 3310.63 of the 16124  
Revised Code: 16125

(A) "Alternative public provider" means either of the 16126  
following providers that agrees to enroll a child in the 16127  
provider's special education program to implement the child's 16128  
individualized education program and to which the eligible 16129  
applicant owes fees for the services provided to the child: 16130

(1) A school district that is not the school district in 16131  
which the child is entitled to attend school or the child's school 16132  
district of residence, if different; 16133

(2) A public entity other than a school district. 16134

(B) "Applicable special education weight" means the multiple 16135  
specified in section 3317.013 of the Revised Code for a handicap 16136  
described in that section. 16137

(C) "Category one through six special education ADM" means 16138  
the respective categories prescribed in divisions (F)(1) to (6) of 16139  
section 3317.02 of the Revised Code. 16140

(D) "Eligible applicant" means any of the following: 16141

(1) Either of the natural or adoptive parents of a qualified 16142  
special education child, except as otherwise specified in this 16143  
division. When the marriage of the natural or adoptive parents of 16144  
the student has been terminated by a divorce, dissolution of 16145  
marriage, or annulment, or when the natural or adoptive parents of 16146  
the student are living separate and apart under a legal separation 16147  
decree, and a court has issued an order allocating the parental 16148  
rights and responsibilities with respect to the child, "eligible 16149  
applicant" means the residential parent as designated by the 16150  
court. If the court issues a shared parenting decree, "eligible 16151  
applicant" means either parent. "Eligible applicant" does not mean 16152  
a parent whose custodial rights have been terminated. 16153

(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency; 16154  
16155  
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(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child; 16158  
16159

(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caregiver authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code; 16160  
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(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code; 16166  
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(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age. 16169  
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(E) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code. 16172  
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(F) "Formula ADM" and "formula amount" have the same meanings as in section 3317.02 of the Revised Code. 16175  
16176

(G) "Handicapped child," "individualized education program," and "special education program" have the same meanings as in section 3323.01 of the Revised Code. 16177  
16178  
16179

(H) "Qualified special education child" is a child for whom all of the following conditions apply: 16180  
16181

(1) The child is at least five years of age and less than twenty-two years of age; 16182  
16183

(2) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has identified the child as a handicapped child; 16184  
16185  
16186

(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program under Chapter 3323. of the Revised Code for the child; 16187  
16188  
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(4) The child either: 16191

(a) Was enrolled in the schools of the school district in which the child is entitled to attend school in any grade from kindergarten through twelve in the school year prior to the school year in which a scholarship is first sought for the child; 16192  
16193  
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(b) Is eligible to enter school in any grade kindergarten through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship is first sought for the child. 16196  
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(I) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code. 16200  
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(J) "Scholarship" means a scholarship awarded under the special education scholarship pilot program pursuant to sections 3310.51 to 3310.63 of the Revised Code. 16204  
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(K) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.63 of the Revised Code. 16207  
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(L) "School year" has the same meaning as in section 3313.62 of the Revised Code. 16212  
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Sec. 3310.52. (A) The special education scholarship pilot program is hereby established. Under the program, in fiscal years 2008 through 2013, subject to division (B) of this section, the department of education annually shall pay a scholarship to an alternative public provider or a registered private provider on behalf of an eligible applicant for services provided for a qualified special education child. The scholarship shall be used only to pay all or part of the fees for the child to attend the special education program operated by the alternative public provider or registered private provider to implement the child's individualized education program in lieu of the child's attending the special education program operated by the school district in which the child is entitled to attend school.

(B) The number of scholarships awarded under the pilot program in any fiscal year shall not exceed three per cent of the total number of students residing in the state identified as handicapped children during the previous fiscal year.

Sec. 3310.53. (A) Except for development of the child's individualized education program, as specified in division (B) of this section, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, if different, are not obligated to provide the child with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the child continues to attend the special education program operated by either an alternative public provider or a registered private provider for which a scholarship is awarded under the special education scholarship pilot program. If at any time, the eligible applicant for the child decides no longer to accept scholarship payments and enrolls the child in the special education program of the school district in which the child is entitled to attend

school, that district shall provide the child with a free 16245  
appropriate public education under Chapter 3323. of the Revised 16246  
Code. 16247

(B) Each eligible applicant and each qualified special 16248  
education child have a continuing right to the development of an 16249  
individualized education program for the child that complies with 16250  
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 16251  
administrative rules or guidelines adopted by the Ohio department 16252  
of education or the United States department of education. The 16253  
school district in which a qualified special education child is 16254  
entitled to attend school, or the child's school district of 16255  
residence if different, shall develop each individualized 16256  
education program for the child in accordance with those 16257  
provisions. 16258

(C) Each school district shall notify an eligible applicant 16259  
of the applicant's and qualified special education child's rights 16260  
under sections 3310.51 to 3310.63 of the Revised Code by providing 16261  
to each eligible applicant the comparison document prescribed in 16262  
section 3323.052 of the Revised Code. An eligible applicant's 16263  
receipt of that document, as acknowledged in a format prescribed 16264  
by the department of education, shall constitute notice that the 16265  
eligible applicant has been informed of those rights. Upon receipt 16266  
of that document, subsequent acceptance of a scholarship 16267  
constitutes the eligible applicant's informed consent to the 16268  
provisions of sections 3310.51 to 3310.63 of the Revised Code. 16269

Sec. 3310.54. As prescribed in divisions (A)(2)(h), 16270  
(B)(3)(g), and (B)(5) to (10) of section 3317.03 of the Revised 16271  
Code, a qualified special education child in any of grades 16272  
kindergarten through twelve for whom a scholarship is awarded 16273  
under the special education scholarship pilot program shall be 16274  
counted in the formula ADM and category one through six special 16275

education ADM, as appropriate, of the school district in which the 16276  
child is entitled to attend school. A qualified special education 16277  
child shall not be counted in the formula ADM or category one 16278  
through six special education ADM of any other school district. 16279

Sec. 3310.55. The department of education shall deduct from 16280  
the amounts paid to each school district under Chapter 3317. of 16281  
the Revised Code, and, if necessary, sections 321.24 and 323.156 16282  
of the Revised Code, the aggregate amount of scholarships paid 16283  
under section 3310.57 of the Revised Code for qualified special 16284  
education children included in the formula ADM and the category 16285  
one through six special education ADM of that school district. 16286

Sec. 3310.56. The amount of the scholarship awarded and paid 16287  
on behalf of an eligible applicant for services for a qualified 16288  
special education child under the special education scholarship 16289  
pilot program in each school year shall be the lesser of the 16290  
following: 16291

(A) The amount of fees charged for that school year by the 16292  
alternative public provider or registered private provider; 16293

(B) The sum of the amounts calculated under divisions (B)(1) 16294  
and (2) of this section: 16295

(1) The sum of the formula amount plus the per pupil amount 16296  
of the base funding supplements specified in divisions (C)(1) to 16297  
(4) of section 3317.012 of the Revised Code. 16298

(2) The formula amount times the applicable special education 16299  
weight for the child's disability. 16300

Sec. 3310.57. The department of education shall make periodic 16301  
payments to an alternative public provider or a registered private 16302  
provider on behalf of an eligible applicant for services for each 16303  
qualified special education child for whom a scholarship has been 16304

awarded. The total of all payments made on behalf of an applicant 16305  
in each school year shall not exceed the amount calculated for the 16306  
child under section 3310.56 of the Revised Code. 16307

The scholarship amount shall be proportionately reduced in 16309  
the case of a child who is not enrolled in the special education 16310  
program of an alternative public provider or a registered private 16311  
provider for the entire school year. 16312

In accordance with division (A) of section 3310.62 of the 16313  
Revised Code, the department shall make no payments on behalf of 16314  
an applicant for a first-time scholarship for a qualified special 16315  
education child while any administrative or judicial mediation or 16316  
proceedings with respect to the content of the child's 16317  
individualized education program are pending. 16318

**Sec. 3310.58.** No nonpublic school or entity shall receive 16319  
payments for services for a qualified special education child 16320  
under the special education scholarship pilot program until the 16321  
school or entity registers with the superintendent of public 16322  
instruction. The superintendent shall register and designate as a 16323  
registered private provider any nonpublic school or entity that 16324  
meets the following requirements: 16325

(A) The special education program operated by the school or 16326  
entity meets the minimum education standards established by the 16327  
state board of education. 16328

(B) The school or entity does not discriminate on the basis 16329  
of race, ethnicity, national origin, religion, sex, disability, 16330  
age, or ancestry. 16331

(C) If the school or entity is not chartered by the state 16332  
board under section 3301.16 of the Revised Code, the school or 16333  
entity agrees to comply with section 3319.39 of the Revised Code 16334

as if it were a school district. 16335

(D) The teaching and nonteaching professionals employed by the school or entity, or employed by any subcontractors of the school or entity, hold credentials determined by the state board to be appropriate for the qualified special education children enrolled in the special education program it operates. 16336  
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(E) The school or entity meets applicable health and safety standards established by law for school buildings. 16341  
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(F) The school or entity agrees to retain on file documentation as required by the department of education. 16343  
16344

(G) The school or entity demonstrates fiscal soundness to the satisfaction of the department. 16345  
16346

(H) The school or entity agrees to meet other requirements established by rule of the state board under section 3310.63 of the Revised Code. 16347  
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**Sec. 3310.59.** The superintendent of public instruction shall revoke the registration of any school or entity if, after a hearing, the superintendent determines that the school or entity is in violation of any provision of section 3310.58 of the Revised Code. 16350  
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**Sec. 3310.60.** A qualified special education child attending a special education program at an alternative public provider or a registered private provider with a scholarship shall be entitled to transportation to and from that program in the manner prescribed by law for any handicapped child attending a nonpublic special education program. 16355  
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**Sec. 3310.61.** An eligible applicant on behalf of a child who currently attends a public special education program under a contract, compact, or other bilateral agreement, or on behalf of a 16361  
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16363

child who currently attends a community school, shall not be 16364  
prohibited from applying for and accepting a scholarship so that 16365  
the applicant may withdraw the child from that program or 16366  
community school and use the scholarship for the child to attend a 16367  
special education program operated by an alternative public 16368  
provider or a registered private provider. 16369

**Sec. 3310.62.** (A) A scholarship under the special education 16370  
scholarship pilot program shall not be awarded for the first time 16371  
to an eligible applicant on behalf of a qualified special 16372  
education child while the child's individualized education program 16373  
is being developed by the school district in which the child is 16374  
entitled to attend school, or by the child's school district of 16375  
residence if different, or while any administrative or judicial 16376  
mediation or proceedings with respect to the content of that 16377  
individualized education program are pending. 16378

(B) Development of individualized education programs 16379  
subsequent to the one developed for the child the first time a 16380  
scholarship was awarded on behalf of the child and the 16381  
prosecuting, by the eligible applicant on behalf of the child, of 16382  
administrative or judicial mediation or proceedings with respect 16383  
to any of those subsequent individualized education programs do 16384  
not affect the applicant's and the child's continued eligibility 16385  
for scholarship payments. 16386

(C) In the case of any child for whom a scholarship has been 16387  
awarded, if the school district in which the child is entitled to 16388  
attend school has agreed to provide some services for the child 16389  
under an agreement entered into with the eligible applicant or 16390  
with the alternative public provider or registered private 16391  
provider implementing the child's individualized education 16392  
program, or if the district is required by law to provide some 16393  
services for the child, including transportation services under 16394

sections 3310.60 and 3327.01 of the Revised Code, the district shall not discontinue the services it is providing pending completion of any administrative proceedings regarding those services. The prosecuting, by the eligible applicant on behalf of the child, of administrative proceedings regarding the services provided by the district does not affect the applicant's and the child's continued eligibility for scholarship payments.

(D) The department of education shall continue to make payments to the alternative public provider or registered private provider on behalf of the eligible applicant under section 3310.57 of the Revised Code while either of the following are pending:

(1) Administrative or judicial mediation or proceedings with respect to a subsequent individualized education program for the child referred to in division (B) of this section;

(2) Administrative proceedings regarding services provided by the district under division (C) of this section.

**Sec. 3310.63.** The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures necessary to implement sections 3310.51 to 3310.62 of the Revised Code including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for registration of private providers.

**Sec. 3311.24.** (A)(1) Except as provided in division (B) of this section, ~~if~~ the board of education of a city, exempted village, or local school district ~~deems it advisable~~ shall file with the state board of education a proposal to transfer territory from such district to an adjoining city, exempted village, or local school district, ~~or if a~~ in any of the following circumstances:

(a) The district board deems the transfer advisable; 16425

(b) A petition, signed by seventy-five per cent of the 16426  
qualified electors residing within that portion of a city,  
exempted village, or local school district proposed to be 16427  
transferred voting at the last general election, requests such a 16428  
transfer, ~~the;~~ 16429  
16430

(c) If no qualified electors reside in that portion of the 16431  
district proposed to be transferred, a petition, signed by 16432  
seventy-five per cent of the owners of parcels of real property on 16433  
the tax duplicate within that portion of the district, requests 16434  
such a transfer. 16435

(2) The board of education of the district in which such 16436  
proposal originates shall file such proposal, together with a map 16437  
showing the boundaries of the territory proposed to be 16438  
transferred, with the state board of education prior to the first 16439  
day of April in any even-numbered year. The state board of 16440  
education may, if it is advisable, provide for a hearing in any 16441  
suitable place in any of the school districts affected by such 16442  
proposed transfer of territory. The state board of education or 16443  
its representatives shall preside at any such hearing. 16444

(3) A board of education of a city, exempted village, or 16445  
local school district that receives a petition of transfer signed 16446  
by electors of the district under ~~this~~ division (A)(1)(b) of this 16447  
section shall cause the board of elections to check the 16448  
sufficiency of signatures on the petition. A board of education of 16449  
a city, exempted village, or local school district that receives a 16450  
petition of transfer signed by owners of parcels of real property 16451  
under division (A)(1)(c) of this section shall cause the county 16452  
auditor to check the sufficiency of signatures on the petition. 16453

(4) Not later than the first day of September the state board 16454  
of education shall either approve or disapprove a proposed 16455

transfer of territory filed with it as provided by this section 16456  
and shall notify, in writing, the boards of education of the 16457  
districts affected by such proposed transfer of territory of its 16458  
decision. 16459

If the decision of the state board of education is an 16460  
approval of the proposed transfer of territory then the board of 16461  
education of the district in which the territory is located shall, 16462  
within thirty days after receiving the state board of education's 16463  
decision, adopt a resolution transferring the territory and shall 16464  
forthwith submit a copy of such resolution to the treasurer of the 16465  
board of education of the city, exempted village, or local school 16466  
district to which the territory is transferred. Such transfer 16467  
shall not be complete however, until: 16468

~~(1)~~(a) A resolution accepting the transfer has been passed by 16469  
a majority vote of the full membership of the board of education 16470  
of the city, exempted village, or local school district to which 16471  
the territory is transferred; 16472

~~(2)~~(b) An equitable division of the funds and indebtedness 16473  
between the districts involved has been made by the board of 16474  
education making the transfer; 16475

~~(3)~~(c) A map showing the boundaries of the territory 16476  
transferred has been filed, by the board of education accepting 16477  
the transfer, with the county auditor of each county affected by 16478  
the transfer. 16479

When such transfer is complete the legal title of the school 16480  
property in the territory transferred shall be vested in the board 16481  
of education or governing board of the school district to which 16482  
the territory is transferred. 16483

(B) Whenever the transfer of territory pursuant to this 16484  
section is initiated by a board of education, the board shall, 16485  
before filing a proposal for transfer with the state board of 16486

education under this section, make a good faith effort to 16487  
negotiate the terms of transfer with any other school district 16488  
whose territory would be affected by the transfer. Before the 16489  
state board may hold a hearing on the transfer, or approve or 16490  
disapprove any such transfer, it must receive the following: 16491

(1) A resolution requesting approval of the transfer, passed 16492  
by the school district submitting the proposal; 16493

(2) Evidence determined to be sufficient by the state board 16494  
to show that good faith negotiations have taken place or that the 16495  
district requesting the transfer has made a good faith effort to 16496  
hold such negotiations; 16497

(3) If any negotiations took place, a statement signed by all 16498  
boards that participated in the negotiations, listing the terms 16499  
agreed on and the points on which no agreement could be reached. 16500

Negotiations held pursuant to this section shall be governed 16501  
by the rules adopted by the state board under division (D) of 16502  
section 3311.06 of the Revised Code. Districts involved in a 16503  
transfer under division (B) of this section may agree to share 16504  
revenues from the property included in the territory to be 16505  
transferred, establish cooperative programs between the 16506  
participating districts, and establish mechanisms for the 16507  
settlement of any future boundary disputes. 16508

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 16509  
(F), and (G) of this section, when a board of education decides to 16510  
dispose of real or personal property that it owns in its corporate 16511  
capacity and that exceeds in value ten thousand dollars, it shall 16512  
sell the property at public auction, after giving at least thirty 16513  
days' notice of the auction by publication in a newspaper of 16514  
general circulation or by posting notices in five of the most 16515  
public places in the school district in which the property, if it 16516  
is real property, is situated, or, if it is personal property, in 16517

the school district of the board of education that owns the 16518  
property. The board may offer real property for sale as an entire 16519  
tract or in parcels. 16520

(B) When the board of education has offered real or personal 16521  
property for sale at public auction at least once pursuant to 16522  
division (A) of this section, and the property has not been sold, 16523  
the board may sell it at a private sale. Regardless of how it was 16524  
offered at public auction, at a private sale, the board shall, as 16525  
it considers best, sell real property as an entire tract or in 16526  
parcels, and personal property in a single lot or in several lots. 16527

(C) If a board of education decides to dispose of real or 16528  
personal property that it owns in its corporate capacity and that 16529  
exceeds in value ten thousand dollars, it may sell the property to 16530  
the adjutant general; to any subdivision or taxing authority as 16531  
respectively defined in divisions (A) and (C) of section 5705.01 16532  
of the Revised Code, township park district, board of park 16533  
commissioners established under Chapter 755. of the Revised Code, 16534  
or park district established under Chapter 1545. of the Revised 16535  
Code; to a wholly or partially tax-supported university, 16536  
university branch, or college; or to the board of trustees of a 16537  
school district library, upon such terms as are agreed upon. The 16538  
sale of real or personal property to the board of trustees of a 16539  
school district library is limited, in the case of real property, 16540  
to a school district library within whose boundaries the real 16541  
property is situated, or, in the case of personal property, to a 16542  
school district library whose boundaries lie in whole or in part 16543  
within the school district of the selling board of education. 16544

(D) When a board of education decides to trade as a part or 16545  
an entire consideration, an item of personal property on the 16546  
purchase price of an item of similar personal property, it may 16547  
trade the same upon such terms as are agreed upon by the parties 16548  
to the trade. 16549

(E) The president and the treasurer of the board of education shall execute and deliver deeds or other necessary instruments of conveyance to complete any sale or trade under this section.

(F) When a board of education has identified a parcel of real property that it determines is needed for school purposes, the board may, upon a majority vote of the members of the board, acquire that property by exchanging real property that the board owns in its corporate capacity for the identified real property or by using real property that the board owns in its corporate capacity as part or an entire consideration for the purchase price of the identified real property. Any exchange or acquisition made pursuant to this division shall be made by a conveyance executed by the president and the treasurer of the board.

(G)(1) When a school district board of education decides to dispose of real property suitable for use as classroom space, prior to disposing of that property under divisions (A) to (F) of this section, it shall first offer that property for sale to the governing authorities of the start-up community schools established under Chapter 3314. of the Revised Code located within the territory of the school district, at a price that is not higher than the appraised fair market value of that property. If more than one community school governing authority accepts the offer made by the school district board, the board shall sell the property to the governing authority that accepted the offer first in time. If no community school governing authority accepts the offer within sixty days after the offer is made by the school district board, the board may dispose of the property in the applicable manner prescribed under divisions (A) to (F) of this section.

(2) When a school district board of education has not used real property at least seventy-five per cent of a building suitable for classroom space for academic instruction,

~~administration, storage, or any other educational purpose for one~~ 16582  
~~full~~ at least seventy-five per cent of a school year and has not 16583  
adopted a resolution outlining a plan for using at least 16584  
seventy-five per cent of that property building for ~~any of these~~ 16585  
~~purposes within~~ academic instruction for at least seventy-five per 16586  
cent of the next three school years year, it shall offer that 16587  
~~property building~~ for sale to the governing authorities of the 16588  
start-up community schools established under Chapter 3314. of the 16589  
Revised Code located within the territory of the school district, 16590  
at a price that is not higher than the appraised fair market value 16591  
of that property. If more than one community school governing 16592  
authority accepts the offer made by the school district board, the 16593  
board shall sell the property to the governing authority that 16594  
accepted the offer first in time. 16595

(H) When a school district board of education has property 16596  
that the board, by resolution, finds is not needed for school 16597  
district use, is obsolete, or is unfit for the use for which it 16598  
was acquired, the board may donate that property in accordance 16599  
with this division if the fair market value of the property is, in 16600  
the opinion of the board, two thousand five hundred dollars or 16601  
less. 16602

The property may be donated to an eligible nonprofit 16603  
organization that is located in this state and is exempt from 16604  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 16605  
Before donating any property under this division, the board shall 16606  
adopt a resolution expressing its intent to make unneeded, 16607  
obsolete, or unfit-for-use school district property available to 16608  
these organizations. The resolution shall include guidelines and 16609  
procedures the board considers to be necessary to implement the 16610  
donation program and shall indicate whether the school district 16611  
will conduct the donation program or the board will contract with 16612  
a representative to conduct it. If a representative is known when 16613

the resolution is adopted, the resolution shall provide contact 16614  
information such as the representative's name, address, and 16615  
telephone number. 16616

The resolution shall include within its procedures a 16617  
requirement that any nonprofit organization desiring to obtain 16618  
donated property under this division shall submit a written notice 16619  
to the board or its representative. The written notice shall 16620  
include evidence that the organization is a nonprofit organization 16621  
that is located in this state and is exempt from federal income 16622  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 16623  
the organization's primary purpose; a description of the type or 16624  
types of property the organization needs; and the name, address, 16625  
and telephone number of a person designated by the organization's 16626  
governing board to receive donated property and to serve as its 16627  
agent. 16628

After adoption of the resolution, the board shall publish, in 16629  
a newspaper of general circulation in the school district, notice 16630  
of its intent to donate unneeded, obsolete, or unfit-for-use 16631  
school district property to eligible nonprofit organizations. The 16632  
notice shall include a summary of the information provided in the 16633  
resolution and shall be published at least twice. The second and 16634  
any subsequent notice shall be published not less than ten nor 16635  
more than twenty days after the previous notice. A similar notice 16636  
also shall be posted continually in the board's office, and, if 16637  
the school district maintains a web site on the internet, the 16638  
notice shall be posted continually at that web site. 16639

The board or its representatives shall maintain a list of all 16640  
nonprofit organizations that notify the board or its 16641  
representative of their desire to obtain donated property under 16642  
this division and that the board or its representative determines 16643  
to be eligible, in accordance with the requirements set forth in 16644  
this section and in the donation program's guidelines and 16645

procedures, to receive donated property. 16646

The board or its representative also shall maintain a list of 16647  
all school district property the board finds to be unneeded, 16648  
obsolete, or unfit for use and to be available for donation under 16649  
this division. The list shall be posted continually in a 16650  
conspicuous location in the board's office, and, if the school 16651  
district maintains a web site on the internet, the list shall be 16652  
posted continually at that web site. An item of property on the 16653  
list shall be donated to the eligible nonprofit organization that 16654  
first declares to the board or its representative its desire to 16655  
obtain the item unless the board previously has established, by 16656  
resolution, a list of eligible nonprofit organizations that shall 16657  
be given priority with respect to the item's donation. Priority 16658  
may be given on the basis that the purposes of a nonprofit 16659  
organization have a direct relationship to specific school 16660  
district purposes of programs provided or administered by the 16661  
board. A resolution giving priority to certain nonprofit 16662  
organizations with respect to the donation of an item of property 16663  
shall specify the reasons why the organizations are given that 16664  
priority. 16665

Members of the board shall consult with the Ohio ethics 16666  
commission, and comply with Chapters 102. and 2921. of the Revised 16667  
Code, with respect to any donation under this division to a 16668  
nonprofit organization of which a board member, any member of a 16669  
board member's family, or any business associate of a board member 16670  
is a trustee, officer, board member, or employee. 16671

**Sec. 3313.603.** (A) As used in this section: 16672

(1) "One unit" means a minimum of one hundred twenty hours of 16673  
course instruction, except that for a laboratory course, "one 16674  
unit" means a minimum of one hundred fifty hours of course 16675  
instruction. 16676

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.

(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.

(6) Social studies, three units, which shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Elective units, seven units until September 15, 2003, and six units thereafter.

Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.

(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in

divisions (D) to (F) of this section, the requirements for	16706
graduation from every public and chartered nonpublic high school	16707
shall include twenty units that are designed to prepare students	16708
for the workforce and college. The units shall be distributed as	16709
follows:	16710
(1) English language arts, four units;	16711
(2) Health, one-half unit;	16712
(3) Mathematics, four units, which shall include one unit of	16713
algebra II or the equivalent of algebra II;	16714
(4) Physical education, one-half unit;	16715
(5) Science, three units with inquiry-based laboratory	16716
experience that engages students in asking valid scientific	16717
questions and gathering and analyzing information, which shall	16718
include the following, or their equivalent:	16719
(a) Physical sciences, one unit;	16720
(b) <del>Biology</del> <u>Life sciences</u> , one unit;	16721
(c) Advanced study in one or more of the following sciences,	16722
one unit:	16723
(i) Chemistry, physics, or other physical science;	16724
(ii) Advanced biology or other life science;	16725
(iii) Astronomy, physical geology, or other earth or space	16726
science.	16727
(6) Social studies, three units, which shall include both of	16728
the following:	16729
(a) American history, one-half unit;	16730
(b) American government, one-half unit.	16731
Each school shall integrate the study of economics and	16732
financial literacy, as expressed in the social studies academic	16733

content standards adopted by the state board of education under 16734  
section 3301.079 of the Revised Code, into one or more existing 16735  
social studies credits required under division (C)(6) of this 16736  
section, or into the content of another class, so that every high 16737  
school student receives instruction in those concepts. In 16738  
developing the curriculum required by this paragraph, schools 16739  
shall use available public-private partnerships and resources and 16740  
materials that exist in business, industry, and through the 16741  
centers for economics education at institutions of higher 16742  
education in the state. 16743

(7) Five units consisting of one or any combination of 16744  
foreign language, fine arts, business, career-technical education, 16745  
family and consumer sciences, technology, agricultural education, 16746  
or English language arts, mathematics, science, or social studies 16747  
courses not otherwise required under division (C) of this section. 16748

Ohioans must be prepared to apply increased knowledge and 16749  
skills in the workplace and to adapt their knowledge and skills 16750  
quickly to meet the rapidly changing conditions of the 16751  
twenty-first century. National studies indicate that all high 16752  
school graduates need the same academic foundation, regardless of 16753  
the opportunities they pursue after graduation. The goal of Ohio's 16754  
system of elementary and secondary education is to prepare all 16755  
students for and seamlessly connect all students to success in 16756  
life beyond high school graduation, regardless of whether the next 16757  
step is entering the workforce, beginning an apprenticeship, 16758  
engaging in post-secondary training, serving in the military, or 16759  
pursuing a college degree. 16760

The Ohio core curriculum is the standard expectation for all 16761  
students entering ninth grade for the first time at a public or 16762  
chartered nonpublic high school on or after July 1, 2010. A 16763  
student may satisfy this expectation through a variety of methods, 16764  
including, but not limited to, integrated, applied, 16765

career-technical, and traditional coursework. 16766

Whereas teacher quality is essential for student success in 16767  
completing the Ohio core curriculum, the general assembly shall 16768  
appropriate funds for strategic initiatives designed to strengthen 16769  
schools' capacities to hire and retain highly qualified teachers 16770  
in the subject areas required by the curriculum. Such initiatives 16771  
are expected to require an investment of \$120,000,000 over five 16772  
years. 16773

Stronger coordination between high schools and institutions 16774  
of higher education is necessary to prepare students for more 16775  
challenging academic endeavors and to lessen the need for academic 16776  
remediation in college, thereby reducing the costs of higher 16777  
education for Ohio's students, families, and the state. The state 16778  
board of education, the Ohio board of regents, and the partnership 16779  
for continued learning shall develop policies to ensure that only 16780  
in rare instances will students who complete the Ohio core 16781  
curriculum require academic remediation after high school. 16782

School districts, community schools, and chartered nonpublic 16783  
schools shall integrate technology into learning experiences 16784  
whenever practicable across the curriculum in order to maximize 16785  
efficiency, enhance learning, and prepare students for success in 16786  
the technology-driven twenty-first century. Districts and schools 16787  
may use distance and web-based course delivery as a method of 16788  
providing or augmenting all instruction required under this 16789  
division, including laboratory experience in science. Districts 16790  
and schools shall whenever practicable utilize technology access 16791  
and electronic learning opportunities provided by the eTech Ohio 16792  
commission, the Ohio learning network, education technology 16793  
centers, public television stations, and other public and private 16794  
providers. 16795

(D) Except as provided in division (E) of this section, a 16796  
student who enters ninth grade on or after July 1, 2010, and 16797

before July 1, 2014, may qualify for graduation from a public or 16798  
chartered nonpublic high school even though the student has not 16799  
completed the Ohio core curriculum prescribed in division (C) of 16800  
this section if all of the following conditions are satisfied: 16801

(1) After the student has attended high school for two years, 16802  
as determined by the school, the student and the student's parent, 16803  
guardian, or custodian sign and file with the school a written 16804  
statement asserting the parent's, guardian's, or custodian's 16805  
consent to the student's graduating without completing the Ohio 16806  
core curriculum and acknowledging that one consequence of not 16807  
completing the Ohio core curriculum is ineligibility to enroll in 16808  
most state universities in Ohio without further coursework. 16809

(2) The student and parent, guardian, or custodian fulfill 16810  
any procedural requirements the school stipulates to ensure the 16811  
student's and parent's, guardian's, or custodian's informed 16812  
consent and to facilitate orderly filing of statements under 16813  
division (D)(1) of this section. 16814

(3) The student and the student's parent, guardian, or 16815  
custodian and a representative of the student's high school 16816  
jointly develop an individual career plan for the student that 16817  
specifies the student matriculating to a two-year degree program, 16818  
acquiring a business and industry credential, or entering an 16819  
apprenticeship. 16820

(4) The student's high school provides counseling and support 16821  
for the student related to the plan developed under division 16822  
(D)(3) of this section during the remainder of the student's high 16823  
school experience. 16824

(5) The student successfully completes, at a minimum, the 16825  
curriculum prescribed in division (B) of this section. 16826

The partnership for continued learning, in collaboration with 16827  
the department of education and the Ohio board of regents, shall 16828

analyze student performance data to determine if there are 16829  
mitigating factors that warrant extending the exception permitted 16830  
by division (D) of this section to high school classes beyond 16831  
those entering ninth grade before July 1, 2014. The partnership 16832  
shall submit its findings and any recommendations not later than 16833  
August 1, 2014, to the speaker and minority leader of the house of 16834  
representatives, the president and minority leader of the senate, 16835  
the chairpersons and ranking minority members of the standing 16836  
committees of the house of representatives and the senate that 16837  
consider education legislation, the state board of education, and 16838  
the superintendent of public instruction. 16839

(E) Each school district and chartered nonpublic school 16840  
retains the authority to require an even more rigorous minimum 16841  
curriculum for high school graduation than specified in division 16842  
(B) or (C) of this section. A school district board of education, 16843  
through the adoption of a resolution, or the governing authority 16844  
of a chartered nonpublic school may stipulate any of the 16845  
following: 16846

(1) A minimum high school curriculum that requires more than 16847  
twenty units of academic credit to graduate; 16848

(2) An exception to the district's or school's minimum high 16849  
school curriculum that is comparable to the exception provided in 16850  
division (D) of this section but with additional requirements, 16851  
which may include a requirement that the student successfully 16852  
complete more than the minimum curriculum prescribed in division 16853  
(B) of this section; 16854

(3) That no exception comparable to that provided in division 16855  
(D) of this section is available. 16856

(F) A student enrolled in a dropout prevention and recovery 16857  
program, which program has received a waiver from the department 16858  
of education, may qualify for graduation from high school by 16859

successfully completing a competency-based instructional program 16860  
administered by the dropout prevention and recovery program in 16861  
lieu of completing the Ohio core curriculum prescribed in division 16862  
(C) of this section. The department shall grant a waiver to a 16863  
dropout prevention and recovery program, within sixty days after 16864  
the program applies for the waiver, if the program meets all of 16865  
the following conditions: 16866

(1) The program serves only students not younger than sixteen 16867  
years of age and not older than twenty-one years of age. 16868

(2) The program enrolls students who, at the time of their 16869  
initial enrollment, either, or both, are at least one grade level 16870  
behind their cohort age groups or experience crises that 16871  
significantly interfere with their academic progress such that 16872  
they are prevented from continuing their traditional programs. 16873

(3) The program requires students to attain at least the 16874  
applicable score designated for each of the tests prescribed under 16875  
division (B) of section 3301.0710 of the Revised Code. 16876

(4) The program develops an individual career plan for the 16877  
student that specifies the student's matriculating to a two-year 16878  
degree program, acquiring a business and industry credential, or 16879  
entering an apprenticeship. 16880

(5) The program provides counseling and support for the 16881  
student related to the plan developed under division (F)(4) of 16882  
this section during the remainder of the student's high school 16883  
experience. 16884

(6) The program requires the student and the student's 16885  
parent, guardian, or custodian to sign and file, in accordance 16886  
with procedural requirements stipulated by the program, a written 16887  
statement asserting the parent's, guardian's, or custodian's 16888  
consent to the student's graduating without completing the Ohio 16889  
core curriculum and acknowledging that one consequence of not 16890

completing the Ohio core curriculum is ineligibility to enroll in 16891  
most state universities in Ohio without further coursework. 16892

(7) Prior to receiving the waiver, the program has submitted 16893  
to the department an instructional plan that demonstrates how the 16894  
academic content standards adopted by the state board of education 16895  
under section 3301.079 of the Revised Code will be taught and 16896  
assessed. 16897

If the department does not act either to grant the waiver or 16898  
to reject the program application for the waiver within sixty days 16899  
as required under this section, the waiver shall be considered to 16900  
be granted. 16901

(G) Every high school may permit students below the ninth 16902  
grade to take advanced work for high school credit. A high school 16903  
shall count such advanced work toward the graduation requirements 16904  
of division (B) or (C) of this section if the advanced work was 16905  
both: 16906

(1) Taught by a person who possesses a license or certificate 16907  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 16908  
Code that is valid for teaching high school; 16909

(2) Designated by the board of education of the city, local, 16910  
or exempted village school district, the board of the cooperative 16911  
education school district, or the governing authority of the 16912  
chartered nonpublic school as meeting the high school curriculum 16913  
requirements. 16914

Each high school shall record on the student's high school 16915  
transcript all high school credit awarded under division (G) of 16916  
this section. In addition, if the student completed a seventh- or 16917  
eighth-grade fine arts course described in division (K) of this 16918  
section and the course qualified for high school credit under that 16919  
division, the high school shall record that course on the 16920  
student's high school transcript. 16921

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

(J) The state board of education, in consultation with the Ohio board of regents and the partnership for continued learning, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall include a standard method for recording demonstrated proficiency on high school transcripts. Each school district, community school, and chartered nonpublic school shall comply with the state board's plan adopted under this division and award units of high school credit in accordance with the plan. The state board may adopt existing methods for earning high school credit based on a demonstration of subject area competency as necessary prior to the 2009-2010 school year.

(K) This division does not apply to students who qualify for graduation from high school under division (D) or (F) of this section, or to students pursuing a career-technical instructional track as determined by the school district board of education or the chartered nonpublic school's governing authority. Nevertheless, the general assembly encourages such students to consider enrolling in a fine arts course as an elective.

Beginning with students who enter ninth grade for the first 16954  
time on or after July 1, 2010, each student enrolled in a public 16955  
or chartered nonpublic high school shall complete two semesters or 16956  
the equivalent of fine arts to graduate from high school. The 16957  
coursework may be completed in any of grades seven to twelve. Each 16958  
student who completes a fine arts course in grade seven or eight 16959  
may elect to count that course toward the five units of electives 16960  
required for graduation under division (C)(7) of this section, if 16961  
the course satisfied the requirements of division (G) of this 16962  
section. In that case, the high school shall award the student 16963  
high school credit for the course and count the course toward the 16964  
five units required under division (C)(7) of this section. If the 16965  
course in grade seven or eight did not satisfy the requirements of 16966  
division (G) of this section, the high school shall not award the 16967  
student high school credit for the course but shall count the 16968  
course toward the two semesters or the equivalent of fine arts 16969  
required by this division. 16970

(L) Notwithstanding anything to the contrary in this section, 16971  
the board of education of each school district and the governing 16972  
authority of each chartered nonpublic school may adopt a policy to 16973  
excuse from the high school physical education requirement each 16974  
student who, during high school, has participated in 16975  
interscholastic athletics, marching band, or cheerleading for at 16976  
least two full seasons. If the board or authority adopts such a 16977  
policy, the board or authority shall not require the student to 16978  
complete any physical education course as a condition to graduate. 16979  
However, the student shall be required to complete one-half unit, 16980  
consisting of at least sixty hours of instruction, in another 16981  
course of study. 16982

**Sec. 3313.615.** This section shall apply to diplomas awarded 16983  
after September 15, 2006, to students who are required to take the 16984  
five Ohio graduation tests prescribed by division (B) of section 16985

3301.0710 of the Revised Code. 16986

(A) As an alternative to the requirement that a person attain 16987  
the scores designated under division (B) of section 3301.0710 of 16988  
the Revised Code on all the tests required under that division in 16989  
order to be eligible for a high school diploma or an honors 16990  
diploma under sections 3313.61, 3313.612, or 3325.08 of the 16991  
Revised Code or for a diploma of adult education under section 16992  
3313.611 of the Revised Code, a person who has attained at least 16993  
the applicable scores designated under division (B) of section 16994  
3301.0710 of the Revised Code on all but one of the tests required 16995  
by that division and from which the person was not excused or 16996  
exempted, pursuant to division ~~(H)~~ or (L) of section 3313.61, 16997  
division (B)(1) of section 3313.612, or section 3313.532 of the 16998  
Revised Code, may be awarded a diploma or honors diploma if the 16999  
person has satisfied all of the following conditions: 17000

(1) On the one test required under division (B) of section 17001  
3301.0710 of the Revised Code for which the person failed to 17002  
attain the designated score, the person missed that score by ten 17003  
points or less; 17004

(2) Has a ninety-seven per cent school attendance rate in 17005  
each of the last four school years, excluding any excused 17006  
absences; 17007

(3) Has not been expelled from school under section 3313.66 17008  
of the Revised Code in any of the last four school years; 17009

(4) Has a grade point average of at least 2.5 out of 4.0, or 17010  
its equivalent as designated in rules adopted by the state board 17011  
of education, in the subject area of the test required under 17012  
division (B) of section 3301.0710 of the Revised Code for which 17013  
the person failed to attain the designated score; 17014

(5) Has completed the high school curriculum requirements 17015  
prescribed in section 3313.603 of the Revised Code or has 17016

qualified under division (D) or (F) of that section; 17017

(6) Has taken advantage of any intervention programs provided 17018  
by the school district or school in the subject area described in 17019  
division (A)(4) of this section and has a ninety-seven per cent 17020  
attendance rate, excluding any excused absences, in any of those 17021  
programs that are provided at times beyond the normal school day, 17022  
school week, or school year or has received comparable 17023  
intervention services from a source other than the school district 17024  
or school; 17025

(7) Holds a letter recommending graduation from each of the 17026  
person's high school teachers in the subject area described in 17027  
division (A)(4) of this section and from the person's high school 17028  
principal. 17029

(B) The state board of education shall establish rules 17030  
designating grade point averages equivalent to the average 17031  
specified in division (A)(4) of this section for use by school 17032  
districts and schools with different grading systems. 17033

(C) Any student who is exempt from attaining the applicable 17034  
score designated under division (B) of section 3301.0710 of the 17035  
Revised Code on the Ohio graduation test in social studies 17036  
pursuant to division (H) of section 3313.61 or division (B)(2) of 17037  
section 3313.612 of the Revised Code shall not qualify for a high 17038  
school diploma under this section, unless, notwithstanding the 17039  
exemption, the student attains the applicable score on that test. 17040  
If the student attains the applicable score on that test, the 17041  
student may qualify for a diploma under this section in the same 17042  
manner as any other student who is required to take the five Ohio 17043  
graduation tests prescribed by division (B) of section 3301.0710 17044  
of the Revised Code. 17045

**Sec. 3313.64.** (A) As used in this section and in section 17046  
3313.65 of the Revised Code: 17047

(1)(a) Except as provided in division (A)(1)(b) of this section, "parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.	17080 17081 17082
(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.	17083 17084 17085
(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.	17086 17087 17088
(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.	17089 17090
(5) "Agency" means all of the following:	17091
(a) A public children services agency;	17092
(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;	17093 17094 17095 17096 17097 17098
(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39, or sections 5103.20 to 5103.22 of the Revised Code.	17099 17100 17101
(6) A child is placed for adoption if either of the following occurs:	17102 17103
(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.	17104 17105 17106 17107
(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care	17108 17109

for and adopt the child. 17110

(7) "Handicapped preschool child" means a handicapped child, 17111  
as defined by division (A) of section 3323.01 of the Revised Code, 17112  
who is at least three years of age but is not of compulsory school 17113  
age, as defined in section 3321.01 of the Revised Code, and who is 17114  
not currently enrolled in kindergarten. 17115

(8) "Child," unless otherwise indicated, includes handicapped 17116  
preschool children. 17117

(9) "Active duty" means active duty pursuant to an executive 17118  
order of the president of the United States, an act of the 17119  
congress of the United States, or section 5919.29 or 5923.21 of 17120  
the Revised Code. 17121

(B) Except as otherwise provided in section 3321.01 of the 17122  
Revised Code for admittance to kindergarten and first grade, a 17123  
child who is at least five but under twenty-two years of age and 17124  
any handicapped preschool child shall be admitted to school as 17125  
provided in this division. 17126

(1) A child shall be admitted to the schools of the school 17127  
district in which the child's parent resides. 17128

(2) A child who does not reside in the district where the 17129  
child's parent resides shall be admitted to the schools of the 17130  
district in which the child resides if any of the following 17131  
applies: 17132

(a) The child is in the legal or permanent custody of a 17133  
government agency or a person other than the child's natural or 17134  
adoptive parent. 17135

(b) The child resides in a home. 17136

(c) The child requires special education. 17137

(3) A child who is not entitled under division (B)(2) of this 17138  
section to be admitted to the schools of the district where the 17139

child resides and who is residing with a resident of this state 17140  
with whom the child has been placed for adoption shall be admitted 17141  
to the schools of the district where the child resides unless 17142  
either of the following applies: 17143

(a) The placement for adoption has been terminated. 17144

(b) Another school district is required to admit the child 17145  
under division (B)(1) of this section. 17146

Division (B) of this section does not prohibit the board of 17147  
education of a school district from placing a handicapped child 17148  
who resides in the district in a special education program outside 17149  
of the district or its schools in compliance with Chapter 3323. of 17150  
the Revised Code. 17151

(C) A district shall not charge tuition for children admitted 17152  
under division (B)(1) or (3) of this section. If the district 17153  
admits a child under division (B)(2) of this section, tuition 17154  
shall be paid to the district that admits the child as follows: 17155

(1) If the child receives special education in accordance 17156  
with Chapter 3323. of the Revised Code, the school district of 17157  
residence, as defined in section 3323.01 of the Revised Code, 17158  
shall pay tuition for the child in accordance with section 17159  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 17160  
regardless of who has custody of the child or whether the child 17161  
resides in a home. 17162

(2) For a child that does not receive special education in 17163  
accordance with Chapter 3323. of the Revised Code, except as 17164  
otherwise provided in division (C)(2)(d) of this section, if the 17165  
child is in the permanent or legal custody of a government agency 17166  
or person other than the child's parent, tuition shall be paid by: 17167

(a) The district in which the child's parent resided at the 17168  
time the court removed the child from home or at the time the 17169  
court vested legal or permanent custody of the child in the person 17170

or government agency, whichever occurred first; 17171

(b) If the parent's residence at the time the court removed 17172  
the child from home or placed the child in the legal or permanent 17173  
custody of the person or government agency is unknown, tuition 17174  
shall be paid by the district in which the child resided at the 17175  
time the child was removed from home or placed in legal or 17176  
permanent custody, whichever occurred first; 17177

(c) If a school district cannot be established under division 17178  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 17179  
district determined as required by section 2151.362 of the Revised 17180  
Code by the court at the time it vests custody of the child in the 17181  
person or government agency; 17182

(d) If at the time the court removed the child from home or 17183  
vested legal or permanent custody of the child in the person or 17184  
government agency, whichever occurred first, one parent was in a 17185  
residential or correctional facility or a juvenile residential 17186  
placement and the other parent, if living and not in such a 17187  
facility or placement, was not known to reside in this state, 17188  
tuition shall be paid by the district determined under division 17189  
(D) of section 3313.65 of the Revised Code as the district 17190  
required to pay any tuition while the parent was in such facility 17191  
or placement; 17192

(e) If the ~~court has modified its order as to which district~~ 17193  
department of education has determined, pursuant to division 17194  
(A)(2) of section 2151.362 of the Revised Code, that a school 17195  
district other than the one named in the court's initial order, or 17196  
in a prior determination of the department, is responsible to bear 17197  
the cost of educating the child ~~pursuant to division (A)(2) of~~ 17198  
~~section 2151.362 of the Revised Code, the district so determined~~ 17199  
~~to shall~~ be responsible for that cost ~~in the order so modified.~~ 17200

(3) If the child is not in the permanent or legal custody of 17201

a government agency or person other than the child's parent and 17202  
the child resides in a home, tuition shall be paid by one of the 17203  
following: 17204

(a) The school district in which the child's parent resides; 17205

(b) If the child's parent is not a resident of this state, 17206  
the home in which the child resides. 17207

(D) Tuition required to be paid under divisions (C)(2) and 17208  
(3)(a) of this section shall be computed in accordance with 17209  
section 3317.08 of the Revised Code. Tuition required to be paid 17210  
under division (C)(3)(b) of this section shall be computed in 17211  
accordance with section 3317.081 of the Revised Code. If a home 17212  
fails to pay the tuition required by division (C)(3)(b) of this 17213  
section, the board of education providing the education may 17214  
recover in a civil action the tuition and the expenses incurred in 17215  
prosecuting the action, including court costs and reasonable 17216  
attorney's fees. If the prosecuting attorney or city director of 17217  
law represents the board in such action, costs and reasonable 17218  
attorney's fees awarded by the court, based upon the prosecuting 17219  
attorney's, director's, or one of their designee's time spent 17220  
preparing and presenting the case, shall be deposited in the 17221  
county or city general fund. 17222

(E) A board of education may enroll a child free of any 17223  
tuition obligation for a period not to exceed sixty days, on the 17224  
sworn statement of an adult resident of the district that the 17225  
resident has initiated legal proceedings for custody of the child. 17226

(F) In the case of any individual entitled to attend school 17227  
under this division, no tuition shall be charged by the school 17228  
district of attendance and no other school district shall be 17229  
required to pay tuition for the individual's attendance. 17230  
Notwithstanding division (B), (C), or (E) of this section: 17231

(1) All persons at least eighteen but under twenty-two years 17232

of age who live apart from their parents, support themselves by 17233  
their own labor, and have not successfully completed the high 17234  
school curriculum or the individualized education program 17235  
developed for the person by the high school pursuant to section 17236  
3323.08 of the Revised Code, are entitled to attend school in the 17237  
district in which they reside. 17238

(2) Any child under eighteen years of age who is married is 17239  
entitled to attend school in the child's district of residence. 17240

(3) A child is entitled to attend school in the district in 17241  
which either of the child's parents is employed if the child has a 17242  
medical condition that may require emergency medical attention. 17243  
The parent of a child entitled to attend school under division 17244  
(F)(3) of this section shall submit to the board of education of 17245  
the district in which the parent is employed a statement from the 17246  
child's physician certifying that the child's medical condition 17247  
may require emergency medical attention. The statement shall be 17248  
supported by such other evidence as the board may require. 17249

(4) Any child residing with a person other than the child's 17250  
parent is entitled, for a period not to exceed twelve months, to 17251  
attend school in the district in which that person resides if the 17252  
child's parent files an affidavit with the superintendent of the 17253  
district in which the person with whom the child is living resides 17254  
stating all of the following: 17255

(a) That the parent is serving outside of the state in the 17256  
armed services of the United States; 17257

(b) That the parent intends to reside in the district upon 17258  
returning to this state; 17259

(c) The name and address of the person with whom the child is 17260  
living while the parent is outside the state. 17261

(5) Any child under the age of twenty-two years who, after 17262  
the death of a parent, resides in a school district other than the 17263

district in which the child attended school at the time of the 17264  
parent's death is entitled to continue to attend school in the 17265  
district in which the child attended school at the time of the 17266  
parent's death for the remainder of the school year, subject to 17267  
approval of that district board. 17268

(6) A child under the age of twenty-two years who resides 17269  
with a parent who is having a new house built in a school district 17270  
outside the district where the parent is residing is entitled to 17271  
attend school for a period of time in the district where the new 17272  
house is being built. In order to be entitled to such attendance, 17273  
the parent shall provide the district superintendent with the 17274  
following: 17275

(a) A sworn statement explaining the situation, revealing the 17276  
location of the house being built, and stating the parent's 17277  
intention to reside there upon its completion; 17278

(b) A statement from the builder confirming that a new house 17279  
is being built for the parent and that the house is at the 17280  
location indicated in the parent's statement. 17281

(7) A child under the age of twenty-two years residing with a 17282  
parent who has a contract to purchase a house in a school district 17283  
outside the district where the parent is residing and who is 17284  
waiting upon the date of closing of the mortgage loan for the 17285  
purchase of such house is entitled to attend school for a period 17286  
of time in the district where the house is being purchased. In 17287  
order to be entitled to such attendance, the parent shall provide 17288  
the district superintendent with the following: 17289

(a) A sworn statement explaining the situation, revealing the 17290  
location of the house being purchased, and stating the parent's 17291  
intent to reside there; 17292

(b) A statement from a real estate broker or bank officer 17293  
confirming that the parent has a contract to purchase the house, 17294

that the parent is waiting upon the date of closing of the 17295  
mortgage loan, and that the house is at the location indicated in 17296  
the parent's statement. 17297

The district superintendent shall establish a period of time 17298  
not to exceed ninety days during which the child entitled to 17299  
attend school under division (F)(6) or (7) of this section may 17300  
attend without tuition obligation. A student attending a school 17301  
under division (F)(6) or (7) of this section shall be eligible to 17302  
participate in interscholastic athletics under the auspices of 17303  
that school, provided the board of education of the school 17304  
district where the student's parent resides, by a formal action, 17305  
releases the student to participate in interscholastic athletics 17306  
at the school where the student is attending, and provided the 17307  
student receives any authorization required by a public agency or 17308  
private organization of which the school district is a member 17309  
exercising authority over interscholastic sports. 17310

(8) A child whose parent is a full-time employee of a city, 17311  
local, or exempted village school district, or of an educational 17312  
service center, may be admitted to the schools of the district 17313  
where the child's parent is employed, or in the case of a child 17314  
whose parent is employed by an educational service center, in the 17315  
district that serves the location where the parent's job is 17316  
primarily located, provided the district board of education 17317  
establishes such an admission policy by resolution adopted by a 17318  
majority of its members. Any such policy shall take effect on the 17319  
first day of the school year and the effective date of any 17320  
amendment or repeal may not be prior to the first day of the 17321  
subsequent school year. The policy shall be uniformly applied to 17322  
all such children and shall provide for the admission of any such 17323  
child upon request of the parent. No child may be admitted under 17324  
this policy after the first day of classes of any school year. 17325

(9) A child who is with the child's parent under the care of 17326

a shelter for victims of domestic violence, as defined in section 17327  
3113.33 of the Revised Code, is entitled to attend school free in 17328  
the district in which the child is with the child's parent, and no 17329  
other school district shall be required to pay tuition for the 17330  
child's attendance in that school district. 17331

The enrollment of a child in a school district under this 17332  
division shall not be denied due to a delay in the school 17333  
district's receipt of any records required under section 3313.672 17334  
of the Revised Code or any other records required for enrollment. 17335  
Any days of attendance and any credits earned by a child while 17336  
enrolled in a school district under this division shall be 17337  
transferred to and accepted by any school district in which the 17338  
child subsequently enrolls. The state board of education shall 17339  
adopt rules to ensure compliance with this division. 17340

(10) Any child under the age of twenty-two years whose parent 17341  
has moved out of the school district after the commencement of 17342  
classes in the child's senior year of high school is entitled, 17343  
subject to the approval of that district board, to attend school 17344  
in the district in which the child attended school at the time of 17345  
the parental move for the remainder of the school year and for one 17346  
additional semester or equivalent term. A district board may also 17347  
adopt a policy specifying extenuating circumstances under which a 17348  
student may continue to attend school under division (F)(10) of 17349  
this section for an additional period of time in order to 17350  
successfully complete the high school curriculum for the 17351  
individualized education program developed for the student by the 17352  
high school pursuant to section 3323.08 of the Revised Code. 17353

(11) As used in this division, "grandparent" means a parent 17354  
of a parent of a child. A child under the age of twenty-two years 17355  
who is in the custody of the child's parent, resides with a 17356  
grandparent, and does not require special education is entitled to 17357  
attend the schools of the district in which the child's 17358

grandparent resides, provided that, prior to such attendance in 17359  
any school year, the board of education of the school district in 17360  
which the child's grandparent resides and the board of education 17361  
of the school district in which the child's parent resides enter 17362  
into a written agreement specifying that good cause exists for 17363  
such attendance, describing the nature of this good cause, and 17364  
consenting to such attendance. 17365

In lieu of a consent form signed by a parent, a board of 17366  
education may request the grandparent of a child attending school 17367  
in the district in which the grandparent resides pursuant to 17368  
division (F)(11) of this section to complete any consent form 17369  
required by the district, including any authorization required by 17370  
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 17371  
Code. Upon request, the grandparent shall complete any consent 17372  
form required by the district. A school district shall not incur 17373  
any liability solely because of its receipt of a consent form from 17374  
a grandparent in lieu of a parent. 17375

Division (F)(11) of this section does not create, and shall 17376  
not be construed as creating, a new cause of action or substantive 17377  
legal right against a school district, a member of a board of 17378  
education, or an employee of a school district. This section does 17379  
not affect, and shall not be construed as affecting, any 17380  
immunities from defenses to tort liability created or recognized 17381  
by Chapter 2744. of the Revised Code for a school district, 17382  
member, or employee. 17383

(12) A child under the age of twenty-two years is entitled to 17384  
attend school in a school district other than the district in 17385  
which the child is entitled to attend school under division (B), 17386  
(C), or (E) of this section provided that, prior to such 17387  
attendance in any school year, both of the following occur: 17388

(a) The superintendent of the district in which the child is 17389  
entitled to attend school under division (B), (C), or (E) of this 17390

section contacts the superintendent of another district for 17391  
purposes of this division; 17392

(b) The superintendents of both districts enter into a 17393  
written agreement that consents to the attendance and specifies 17394  
that the purpose of such attendance is to protect the student's 17395  
physical or mental well-being or to deal with other extenuating 17396  
circumstances deemed appropriate by the superintendents. 17397

While an agreement is in effect under this division for a 17398  
student who is not receiving special education under Chapter 3323. 17399  
of the Revised Code and notwithstanding Chapter 3327. of the 17400  
Revised Code, the board of education of neither school district 17401  
involved in the agreement is required to provide transportation 17402  
for the student to and from the school where the student attends. 17403

A student attending a school of a district pursuant to this 17404  
division shall be allowed to participate in all student 17405  
activities, including interscholastic athletics, at the school 17406  
where the student is attending on the same basis as any student 17407  
who has always attended the schools of that district while of 17408  
compulsory school age. 17409

(13) All school districts shall comply with the 17410  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 17411  
seq., for the education of homeless children. Each city, local, 17412  
and exempted village school district shall comply with the 17413  
requirements of that act governing the provision of a free, 17414  
appropriate public education, including public preschool, to each 17415  
homeless child. 17416

When a child loses permanent housing and becomes a homeless 17417  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 17418  
such a homeless person changes temporary living arrangements, the 17419  
child's parent or guardian shall have the option of enrolling the 17420  
child in either of the following: 17421

(a) The child's school of origin, as defined in 42 U.S.C.A. 17422  
11432(g)(3)(C); 17423

(b) The school that is operated by the school district in 17424  
which the shelter where the child currently resides is located and 17425  
that serves the geographic area in which the shelter is located. 17426

(14) A child under the age of twenty-two years who resides 17427  
with a person other than the child's parent is entitled to attend 17428  
school in the school district in which that person resides if both 17429  
of the following apply: 17430

(a) That person has been appointed, through a military power 17431  
of attorney executed under section 574(a) of the "National Defense 17432  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 17433  
U.S.C. 1044b, or through a comparable document necessary to 17434  
complete a family care plan, as the parent's agent for the care, 17435  
custody, and control of the child while the parent is on active 17436  
duty as a member of the national guard or a reserve unit of the 17437  
armed forces of the United States or because the parent is a 17438  
member of the armed forces of the United States and is on a duty 17439  
assignment away from the parent's residence. 17440

(b) The military power of attorney or comparable document 17441  
includes at least the authority to enroll the child in school. 17442

The entitlement to attend school in the district in which the 17443  
parent's agent under the military power of attorney or comparable 17444  
document resides applies until the end of the school year in which 17445  
the military power of attorney or comparable document expires. 17446

(G) A board of education, after approving admission, may 17447  
waive tuition for students who will temporarily reside in the 17448  
district and who are either of the following: 17449

(1) Residents or domiciliaries of a foreign nation who 17450  
request admission as foreign exchange students; 17451

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (H) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to

receive tuition pursuant to division (C)(2) or (3) of this section 17516  
or section 3313.65 of the Revised Code shall have an amount 17517  
credited under division (F) of section 3317.023 of the Revised 17518  
Code equal to its own tuition rate for the same period of 17519  
attendance. If the tuition rate credited to the district of 17520  
attendance exceeds the rate deducted from the district required to 17521  
pay tuition, the department of education shall pay the district of 17522  
attendance the difference from amounts deducted from all 17523  
districts' payments under division (F) of section 3317.023 of the 17524  
Revised Code but not credited to other school districts under such 17525  
division and from appropriations made for such purpose. The 17526  
treasurer of each school district shall, by the fifteenth day of 17527  
January and July, furnish the superintendent of public instruction 17528  
a report of the names of each child who attended the district's 17529  
schools under divisions (C)(2) and (3) of this section or section 17530  
3313.65 of the Revised Code during the preceding six calendar 17531  
months, the duration of the attendance of those children, the 17532  
school district responsible for tuition on behalf of the child, 17533  
and any other information that the superintendent requires. 17534

Upon receipt of the report the superintendent, pursuant to 17535  
division (F) of section 3317.023 of the Revised Code, shall deduct 17536  
each district's tuition obligations under divisions (C)(2) and (3) 17537  
of this section or section 3313.65 of the Revised Code and pay to 17538  
the district of attendance that amount plus any amount required to 17539  
be paid by the state. 17540

(K) In the event of a disagreement, the superintendent of 17541  
public instruction shall determine the school district in which 17542  
the parent resides. 17543

(L) Nothing in this section requires or authorizes, or shall 17544  
be construed to require or authorize, the admission to a public 17545  
school in this state of a pupil who has been permanently excluded 17546  
from public school attendance by the superintendent of public 17547

instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code. 17548  
17549

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment. 17550  
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**Sec. 3313.646.** (A) The board of education of a school district, except a cooperative education district established pursuant to section 3311.521 of the Revised Code, may establish and operate a preschool program ~~except that no such program shall be established after March 17, 1989, unless both of the following apply at the time the program is established:~~ 17565  
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~~(1) The, provided the board has demonstrated a need for the program-~~ 17571  
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~~(2) Unless it is a cooperative education district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code, the school district is eligible for moneys distributed by the department of education pursuant to section 3317.029 of the Revised Code. A board may use school funds in support of preschool programs. The board shall maintain, operate, and admit children to~~ 17573  
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any such program pursuant to rules adopted by such board and the 17579  
rules of the state board of education adopted under sections 17580  
3301.52 to 3301.57 of the Revised Code. 17581

A board of education may establish fees or tuition, which may 17582  
be graduated in proportion to family income, for participation in 17583  
a preschool program. In cases where payment of fees or tuition 17584  
would create a hardship for the child's parent or guardian, the 17585  
board may waive any such fees or tuition. 17586

(B) No board of education that is not receiving funds under 17587  
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 17588  
March 17, 1989, shall compete for funds under the "Head Start Act" 17589  
with any grantee receiving funds under that act. 17590

(C) A board of education may contract with any of the 17591  
following preschool providers to provide preschool programs, other 17592  
than programs for units described by divisions (B) and (C) of 17593  
section 3317.05 of the Revised Code, for children of the school 17594  
district: 17595

(1) Any organization receiving funds under the "Head Start 17596  
Act"; 17597

(2) Any nonsectarian eligible nonpublic school as defined in 17598  
division (H) of section 3301.52 of the Revised Code; 17599

(3) Any child care provider licensed under Chapter 5104. of 17600  
the Revised Code. 17601

Boards may contract to provide preschool programs only with 17602  
such organizations whose staff meet the requirements of rules 17603  
adopted under section 3301.53 of the Revised Code or those of the 17604  
child development associate credential established by the national 17605  
association for the education of young children. 17606

(D) A contract entered into under division (C) of this 17607  
section may provide for the board of education to lease school 17608

facilities to the preschool provider or to furnish transportation, 17609  
utilities, or staff for the preschool program. 17610

(E) The treasurer of any board of education operating a 17611  
preschool program pursuant to this section shall keep an account 17612  
of all funds used to operate the program in the same manner as ~~he~~ 17613  
the treasurer would any other funds of the district pursuant to 17614  
this chapter. 17615

**Sec. 3313.66.** (A) Except as provided under division (B)(2) of 17616  
this section, the superintendent of schools of a city, exempted 17617  
village, or local school district, or the principal of a public 17618  
school may suspend a pupil from school for not more than ten 17619  
school days. The board of education of a city, exempted village, 17620  
or local school district may adopt a policy granting assistant 17621  
principals and other administrators the authority to suspend a 17622  
pupil from school for a period of time as specified in the policy 17623  
of the board of education, not to exceed ten school days. If at 17624  
the time a suspension is imposed there are fewer than ten school 17625  
days remaining in the school year in which the incident that gives 17626  
rise to the suspension takes place, the superintendent may apply 17627  
any remaining part or all of the period of the suspension to the 17628  
following school year. Except in the case of a pupil given an 17629  
in-school suspension, no pupil shall be suspended unless prior to 17630  
the suspension such superintendent or principal does both of the 17631  
following: 17632

(1) Gives the pupil written notice of the intention to 17633  
suspend the pupil and the reasons for the intended suspension and, 17634  
if the proposed suspension is based on a violation listed in 17635  
division (A) of section 3313.662 of the Revised Code and if the 17636  
pupil is sixteen years of age or older, includes in the notice a 17637  
statement that the superintendent may seek to permanently exclude 17638  
the pupil if the pupil is convicted of or adjudicated a delinquent 17639

child for that violation; 17640

(2) Provides the pupil an opportunity to appear at an 17641  
informal hearing before the principal, assistant principal, 17642  
superintendent, or superintendent's designee and challenge the 17643  
reason for the intended suspension or otherwise to explain the 17644  
pupil's actions. 17645

(B)(1) Except as provided under division (B)(2), (3), or (4) 17646  
of this section, the superintendent of schools of a city, exempted 17647  
village, or local school district may expel a pupil from school 17648  
for a period not to exceed the greater of eighty school days or 17649  
the number of school days remaining in the semester or term in 17650  
which the incident that gives rise to the expulsion takes place, 17651  
unless the expulsion is extended pursuant to division (F) of this 17652  
section. If at the time an expulsion is imposed there are fewer 17653  
than eighty school days remaining in the school year in which the 17654  
incident that gives rise to the expulsion takes place, the 17655  
superintendent may apply any remaining part or all of the period 17656  
of the expulsion to the following school year. 17657

(2)(a) Unless a pupil is permanently excluded pursuant to 17658  
section 3313.662 of the Revised Code, the superintendent of 17659  
schools of a city, exempted village, or local school district 17660  
shall expel a pupil from school for a period of one year for 17661  
bringing a firearm to a school operated by the board of education 17662  
of the district or onto any other property owned or controlled by 17663  
the board, except that the superintendent may reduce this 17664  
requirement on a case-by-case basis in accordance with the policy 17665  
adopted by the board under section 3313.661 of the Revised Code. 17666

(b) The superintendent of schools of a city, exempted 17667  
village, or local school district may expel a pupil from school 17668  
for a period of one year for bringing a firearm to an 17669  
interscholastic competition, an extracurricular event, or any 17670  
other school program or activity that is not located in a school 17671

or on property that is owned or controlled by the district. The 17672  
superintendent may reduce this disciplinary action on a 17673  
case-by-case basis in accordance with the policy adopted by the 17674  
board under section 3313.661 of the Revised Code. 17675

(c) Any expulsion pursuant to division (B)(2) of this section 17676  
shall extend, as necessary, into the school year following the 17677  
school year in which the incident that gives rise to the expulsion 17678  
takes place. As used in this division, "firearm" has the same 17679  
meaning as provided pursuant to the "Gun-Free Schools Act of 17680  
1994," ~~108~~ 115 Stat. ~~270~~ 1762, 20 U.S.C. ~~8001(a)(2)~~ 7151. 17681

(3) The board of education of a city, exempted village, or 17682  
local school district may adopt a resolution authorizing the 17683  
superintendent of schools to expel a pupil from school for a 17684  
period not to exceed one year for bringing a knife to a school 17685  
operated by the board, onto any other property owned or controlled 17686  
by the board, or to an interscholastic competition, an 17687  
extracurricular event, or any other program or activity sponsored 17688  
by the school district or in which the district is a participant, 17689  
or for possessing a firearm or knife at a school, on any other 17690  
property owned or controlled by the board, or at an 17691  
interscholastic competition, an extracurricular event, or any 17692  
other school program or activity, which firearm or knife was 17693  
initially brought onto school board property by another person. 17694  
The resolution may authorize the superintendent to extend such an 17695  
expulsion, as necessary, into the school year following the school 17696  
year in which the incident that gives rise to the expulsion takes 17697  
place. 17698

(4) The board of education of a city, exempted village, or 17699  
local school district may adopt a resolution establishing a policy 17700  
under section 3313.661 of the Revised Code that authorizes the 17701  
superintendent of schools to expel a pupil from school for a 17702  
period not to exceed one year for committing an act that is a 17703

criminal offense when committed by an adult and that results in 17704  
serious physical harm to persons as defined in division (A)(5) of 17705  
section 2901.01 of the Revised Code or serious physical harm to 17706  
property as defined in division (A)(6) of section 2901.01 of the 17707  
Revised Code while the pupil is at school, on any other property 17708  
owned or controlled by the board, or at an interscholastic 17709  
competition, an extracurricular event, or any other school program 17710  
or activity. Any expulsion under this division shall extend, as 17711  
necessary, into the school year following the school year in which 17712  
the incident that gives rise to the expulsion takes place. 17713

(5) The board of education of any city, exempted village, or 17714  
local school district may adopt a resolution establishing a policy 17715  
under section 3313.661 of the Revised Code that authorizes the 17716  
superintendent of schools to expel a pupil from school for a 17717  
period not to exceed one year for making a bomb threat to a school 17718  
building or to any premises at which a school activity is 17719  
occurring at the time of the threat. Any expulsion under this 17720  
division shall extend, as necessary, into the school year 17721  
following the school year in which the incident that gives rise to 17722  
the expulsion takes place. 17723

(6) No pupil shall be expelled under division (B)(1), (2), 17724  
(3), (4), or (5) of this section unless, prior to the pupil's 17725  
expulsion, the superintendent does both of the following: 17726

(a) Gives the pupil and the pupil's parent, guardian, or 17727  
custodian written notice of the intention to expel the pupil; 17728

(b) Provides the pupil and the pupil's parent, guardian, 17729  
custodian, or representative an opportunity to appear in person 17730  
before the superintendent or the superintendent's designee to 17731  
challenge the reasons for the intended expulsion or otherwise to 17732  
explain the pupil's actions. 17733

The notice required in this division shall include the 17734

reasons for the intended expulsion, notification of the 17735  
opportunity of the pupil and the pupil's parent, guardian, 17736  
custodian, or representative to appear before the superintendent 17737  
or the superintendent's designee to challenge the reasons for the 17738  
intended expulsion or otherwise to explain the pupil's action, and 17739  
notification of the time and place to appear. The time to appear 17740  
shall not be earlier than three nor later than five school days 17741  
after the notice is given, unless the superintendent grants an 17742  
extension of time at the request of the pupil or the pupil's 17743  
parent, guardian, custodian, or representative. If an extension is 17744  
granted after giving the original notice, the superintendent shall 17745  
notify the pupil and the pupil's parent, guardian, custodian, or 17746  
representative of the new time and place to appear. If the 17747  
proposed expulsion is based on a violation listed in division (A) 17748  
of section 3313.662 of the Revised Code and if the pupil is 17749  
sixteen years of age or older, the notice shall include a 17750  
statement that the superintendent may seek to permanently exclude 17751  
the pupil if the pupil is convicted of or adjudicated a delinquent 17752  
child for that violation. 17753

(7) A superintendent of schools of a city, exempted village, 17754  
or local school district shall initiate expulsion proceedings 17755  
pursuant to this section with respect to any pupil who has 17756  
committed an act warranting expulsion under the district's policy 17757  
regarding expulsion even if the pupil has withdrawn from school 17758  
for any reason after the incident that gives rise to the hearing 17759  
but prior to the hearing or decision to impose the expulsion. If, 17760  
following the hearing, the pupil would have been expelled for a 17761  
period of time had the pupil still been enrolled in the school, 17762  
the expulsion shall be imposed for the same length of time as on a 17763  
pupil who has not withdrawn from the school. 17764

(C) If a pupil's presence poses a continuing danger to 17765  
persons or property or an ongoing threat of disrupting the 17766

academic process taking place either within a classroom or 17767  
elsewhere on the school premises, the superintendent or a 17768  
principal or assistant principal may remove a pupil from 17769  
curricular activities or from the school premises, and a teacher 17770  
may remove a pupil from curricular activities under the teacher's 17771  
supervision, without the notice and hearing requirements of 17772  
division (A) or (B) of this section. As soon as practicable after 17773  
making such a removal, the teacher shall submit in writing to the 17774  
principal the reasons for such removal. 17775

If a pupil is removed under this division from a curricular 17776  
activity or from the school premises, written notice of the 17777  
hearing and of the reason for the removal shall be given to the 17778  
pupil as soon as practicable prior to the hearing, which shall be 17779  
held within three school days from the time the initial removal is 17780  
ordered. The hearing shall be held in accordance with division (A) 17781  
of this section unless it is probable that the pupil may be 17782  
subject to expulsion, in which case a hearing in accordance with 17783  
division (B) of this section shall be held, except that the 17784  
hearing shall be held within three school days of the initial 17785  
removal. The individual who ordered, caused, or requested the 17786  
removal to be made shall be present at the hearing. 17787

If the superintendent or the principal reinstates a pupil in 17788  
a curricular activity under the teacher's supervision prior to the 17789  
hearing following a removal under this division, the teacher, upon 17790  
request, shall be given in writing the reasons for such 17791  
reinstatement. 17792

(D) The superintendent or principal, within one school day 17793  
after the time of a pupil's expulsion or suspension, shall notify 17794  
in writing the parent, guardian, or custodian of the pupil and the 17795  
treasurer of the board of education of the expulsion or 17796  
suspension. The notice shall include the reasons for the expulsion 17797  
or suspension, notification of the right of the pupil or the 17798

pupil's parent, guardian, or custodian to appeal the expulsion or 17799  
suspension to the board of education or to its designee, to be 17800  
represented in all appeal proceedings, to be granted a hearing 17801  
before the board or its designee in order to be heard against the 17802  
suspension or expulsion, and to request that the hearing be held 17803  
in executive session, notification that the expulsion may be 17804  
subject to extension pursuant to division (F) of this section if 17805  
the pupil is sixteen years of age or older, and notification that 17806  
the superintendent may seek the pupil's permanent exclusion if the 17807  
suspension or expulsion was based on a violation listed in 17808  
division (A) of section 3313.662 of the Revised Code that was 17809  
committed when the child was sixteen years of age or older and if 17810  
the pupil is convicted of or adjudicated a delinquent child for 17811  
that violation. 17812

In accordance with the policy adopted by the board of 17813  
education under section 3313.661 of the Revised Code, the notice 17814  
provided under this division shall specify the manner and date by 17815  
which the pupil or the pupil's parent, guardian, or custodian 17816  
shall notify the board of the pupil's, parent's, guardian's, or 17817  
custodian's intent to appeal the expulsion or suspension to the 17818  
board or its designee. 17819

Any superintendent expelling a pupil under this section for 17820  
more than twenty school days or for any period of time if the 17821  
expulsion will extend into the following semester or school year 17822  
shall, in the notice required under this division, provide the 17823  
pupil and the pupil's parent, guardian, or custodian with 17824  
information about services or programs offered by public and 17825  
private agencies that work toward improving those aspects of the 17826  
pupil's attitudes and behavior that contributed to the incident 17827  
that gave rise to the pupil's expulsion. The information shall 17828  
include the names, addresses, and phone numbers of the appropriate 17829  
public and private agencies. 17830

(E) A pupil or the pupil's parent, guardian, or custodian may 17831  
appeal the pupil's expulsion by a superintendent or suspension by 17832  
a superintendent, principal, assistant principal, or other 17833  
administrator to the board of education or to its designee. If the 17834  
pupil or the pupil's parent, guardian, or custodian intends to 17835  
appeal the expulsion or suspension to the board or its designee, 17836  
the pupil or the pupil's parent, guardian, or custodian shall 17837  
notify the board in the manner and by the date specified in the 17838  
notice provided under division (D) of this section. The pupil or 17839  
the pupil's parent, guardian, or custodian may be represented in 17840  
all appeal proceedings and shall be granted a hearing before the 17841  
board or its designee in order to be heard against the suspension 17842  
or expulsion. At the request of the pupil or of the pupil's 17843  
parent, guardian, custodian, or attorney, the board or its 17844  
designee may hold the hearing in executive session but shall act 17845  
upon the suspension or expulsion only at a public meeting. The 17846  
board, by a majority vote of its full membership or by the action 17847  
of its designee, may affirm the order of suspension or expulsion, 17848  
reinstate the pupil, or otherwise reverse, vacate, or modify the 17849  
order of suspension or expulsion. 17850

The board or its designee shall make a verbatim record of 17851  
hearings held under this division. The decisions of the board or 17852  
its designee may be appealed under Chapter 2506. of the Revised 17853  
Code. 17854

This section shall not be construed to require notice and 17855  
hearing in accordance with division (A), (B), or (C) of this 17856  
section in the case of normal disciplinary procedures in which a 17857  
pupil is removed from a curricular activity for a period of less 17858  
than one school day and is not subject to suspension or expulsion. 17859

(F)(1) If a pupil is expelled pursuant to division (B) of 17860  
this section for committing any violation listed in division (A) 17861  
of section 3313.662 of the Revised Code and the pupil was sixteen 17862

years of age or older at the time of committing the violation, if 17863  
a complaint, indictment, or information is filed alleging that the 17864  
pupil is a delinquent child based upon the commission of the 17865  
violation or the pupil is prosecuted as an adult for the 17866  
commission of the violation, and if the resultant juvenile court 17867  
or criminal proceeding is pending at the time that the expulsion 17868  
terminates, the superintendent of schools that expelled the pupil 17869  
may file a motion with the court in which the proceeding is 17870  
pending requesting an order extending the expulsion for the lesser 17871  
of an additional eighty days or the number of school days 17872  
remaining in the school year. Upon the filing of the motion, the 17873  
court immediately shall schedule a hearing and give written notice 17874  
of the time, date, and location of the hearing to the 17875  
superintendent and to the pupil and the pupil's parent, guardian, 17876  
or custodian. At the hearing, the court shall determine whether 17877  
there is reasonable cause to believe that the pupil committed the 17878  
alleged violation that is the basis of the expulsion and, upon 17879  
determining that reasonable cause to believe the pupil committed 17880  
the violation does exist, shall grant the requested extension. 17881

(2) If a pupil has been convicted of or adjudicated a 17882  
delinquent child for a violation listed in division (A) of section 17883  
3313.662 of the Revised Code for an act that was committed when 17884  
the child was sixteen years of age or older, if the pupil has been 17885  
expelled pursuant to division (B) of this section for that 17886  
violation, and if the board of education of the school district of 17887  
the school from which the pupil was expelled has adopted a 17888  
resolution seeking the pupil's permanent exclusion, the 17889  
superintendent may file a motion with the court that convicted the 17890  
pupil or adjudicated the pupil a delinquent child requesting an 17891  
order to extend the expulsion until an adjudication order or other 17892  
determination regarding permanent exclusion is issued by the 17893  
superintendent of public instruction pursuant to section 3301.121 17894  
and division (D) of section 3313.662 of the Revised Code. Upon the 17895

filing of the motion, the court immediately shall schedule a 17896  
hearing and give written notice of the time, date, and location of 17897  
the hearing to the superintendent of the school district, the 17898  
pupil, and the pupil's parent, guardian, or custodian. At the 17899  
hearing, the court shall determine whether there is reasonable 17900  
cause to believe the pupil's continued attendance in the public 17901  
school system may endanger the health and safety of other pupils 17902  
or school employees and, upon making that determination, shall 17903  
grant the requested extension. 17904

(G) The failure of the superintendent or the board of 17905  
education to provide the information regarding the possibility of 17906  
permanent exclusion in the notice required by divisions (A), (B), 17907  
and (D) of this section is not jurisdictional, and the failure 17908  
shall not affect the validity of any suspension or expulsion 17909  
procedure that is conducted in accordance with this section or the 17910  
validity of a permanent exclusion procedure that is conducted in 17911  
accordance with sections 3301.121 and 3313.662 of the Revised 17912  
Code. 17913

(H) With regard to suspensions and expulsions pursuant to 17914  
divisions (A) and (B) of this section by the board of education of 17915  
any city, exempted village, or local school district, this section 17916  
shall apply to any student, whether or not the student is enrolled 17917  
in the district, attending or otherwise participating in any 17918  
curricular program provided in a school operated by the board or 17919  
provided on any other property owned or controlled by the board. 17920

(I) Whenever a student is expelled under this section, the 17921  
expulsion shall result in removal of the student from the 17922  
student's regular school setting. However, during the period of 17923  
the expulsion, the board of education of the school district that 17924  
expelled the student or any board of education admitting the 17925  
student during that expulsion period may provide educational 17926  
services to the student in an alternative setting. 17927

(J)(1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 17928  
and 3313.65 of the Revised Code, any school district, after 17929  
offering an opportunity for a hearing, may temporarily deny 17930  
admittance to any pupil if one of the following applies: 17931

(a) The pupil has been suspended from the schools of another 17932  
district under division (A) of this section and the period of 17933  
suspension, as established under that division, has not expired; 17934

(b) The pupil has been expelled from the schools of another 17935  
district under division (B) of this section and the period of the 17936  
expulsion, as established under that division or as extended under 17937  
division (F) of this section, has not expired. 17938

If a pupil is temporarily denied admission under this 17939  
division, the pupil shall be admitted to school in accordance with 17940  
sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised 17941  
Code no later than upon expiration of the suspension or expulsion 17942  
period, as applicable. 17943

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 17944  
3313.65 of the Revised Code, any school district, after offering 17945  
an opportunity for a hearing, may temporarily deny admittance to 17946  
any pupil if the pupil has been expelled or otherwise removed for 17947  
disciplinary purposes from a public school in another state and 17948  
the period of expulsion or removal has not expired. If a pupil is 17949  
temporarily denied admission under this division, the pupil shall 17950  
be admitted to school in accordance with sections 3109.51 to 17951  
3109.80, 3313.64, or 3313.65 of the Revised Code no later than the 17952  
earlier of the following: 17953

(a) Upon expiration of the expulsion or removal period 17954  
imposed by the out-of-state school; 17955

(b) Upon expiration of a period established by the district, 17956  
beginning with the date of expulsion or removal from the 17957  
out-of-state school, that is no greater than the period of 17958

expulsion that the pupil would have received under the policy 17959  
adopted by the district under section 3313.661 of the Revised Code 17960  
had the offense that gave rise to the expulsion or removal by the 17961  
out-of-state school been committed while the pupil was enrolled in 17962  
the district. 17963

(K) As used in this section: 17964

(1) "Permanently exclude" and "permanent exclusion" have the 17965  
same meanings as in section 3313.662 of the Revised Code. 17966

(2) "In-school suspension" means the pupil will serve all of 17967  
the suspension in a school setting. 17968

**Sec. 3313.661.** (A) The board of education of each city, 17969  
exempted village, and local school district shall adopt a policy 17970  
regarding suspension, expulsion, removal, and permanent exclusion 17971  
that specifies the types of misconduct for which a pupil may be 17972  
suspended, expelled, or removed. The types of misconduct may 17973  
include misconduct by a pupil that occurs off of property owned or 17974  
controlled by the district but that is connected to activities or 17975  
incidents that have occurred on property owned or controlled by 17976  
that district and misconduct by a pupil that, regardless of where 17977  
it occurs, is directed at a district official or employee, or the 17978  
property of such official or employee. The policy shall specify 17979  
the reasons for which the superintendent of the district may 17980  
reduce the expulsion requirement in division (B)(2) of section 17981  
3313.66 of the Revised Code. If a board of education adopts a 17982  
resolution pursuant to division (B)(3) of section 3313.66 of the 17983  
Revised Code, the policy shall define the term "knife" or 17984  
"firearm," as applicable, for purposes of expulsion under that 17985  
resolution and shall specify any reasons for which the 17986  
superintendent of the district may reduce any required expulsion 17987  
period on a case-by-case basis. If a board of education adopts a 17988  
resolution pursuant to division (B)(4) or (5) of section 3313.66 17989

of the Revised Code, the policy shall specify any reasons for 17990  
which the superintendent of the district may reduce any required 17991  
expulsion period on a case-by-case basis. The policy also shall 17992  
set forth the acts listed in section 3313.662 of the Revised Code 17993  
for which a pupil may be permanently excluded. 17994

The policy adopted under this division shall specify the date 17995  
and manner by which a pupil or a pupil's parent, guardian, or 17996  
custodian may notify the board of the pupil's, parent's, 17997  
guardian's, or custodian's intent to appeal an expulsion or 17998  
suspension to the board or its designee pursuant to division (E) 17999  
of section 3313.66 of the Revised Code. In the case of any 18000  
expulsion, the policy shall not specify a date that is less than 18001  
fourteen days after the date of the notice provided to the pupil 18002  
or the pupil's parent, guardian, or custodian under division (D) 18003  
of that section. 18004

A copy of the policy shall be posted in a central location in 18005  
the school and made available to pupils upon request. No pupil 18006  
shall be suspended, expelled, or removed except in accordance with 18007  
the policy adopted by the board of education of the school 18008  
district in which the pupil attends school, and no pupil shall be 18009  
permanently excluded except in accordance with sections 3301.121 18010  
and 3313.662 of the Revised Code. 18011

(B) A board of education may establish a program and adopt 18012  
guidelines under which a superintendent may require a pupil to 18013  
perform community service in conjunction with a suspension or 18014  
expulsion imposed under section 3313.66 of the Revised Code or in 18015  
place of a suspension or expulsion imposed under section 3313.66 18016  
of the Revised Code except for an expulsion imposed pursuant to 18017  
division (B)(2) of that section. If a board adopts guidelines 18018  
under this division, they shall permit, except with regard to an 18019  
expulsion pursuant to division (B)(2) of section 3313.66 of the 18020  
Revised Code, a superintendent to impose a community service 18021

requirement beyond the end of the school year in lieu of applying 18022  
the suspension or expulsion into the following school year. Any 18023  
guidelines adopted shall be included in the policy adopted under 18024  
this section. 18025

(C) The written policy of each board of education that is 18026  
adopted pursuant to section 3313.20 of the Revised Code shall be 18027  
posted in a central location in each school that is subject to the 18028  
policy and shall be made available to pupils upon request. 18029

(D) Any policy, program, or guideline adopted by a board of 18030  
education under this section with regard to suspensions or 18031  
expulsions pursuant to division (A) or (B) of section 3313.66 of 18032  
the Revised Code shall apply to any student, whether or not the 18033  
student is enrolled in the district, attending or otherwise 18034  
participating in any curricular program provided in a school 18035  
operated by the board or provided on any other property owned or 18036  
controlled by the board. 18037

(E) As used in this section, "permanently exclude" and 18038  
"permanent exclusion" have the same meanings as in section 18039  
3313.662 of the Revised Code. 18040

**Sec. 3313.98.** Notwithstanding division (D) of section 3311.19 18041  
and division (D) of section 3311.52 of the Revised Code, the 18042  
provisions of this section and sections 3313.981 to 3313.983 of 18043  
the Revised Code that apply to a city school district do not apply 18044  
to a joint vocational or cooperative education school district 18045  
unless expressly specified. 18046

(A) As used in this section and sections 3313.981 to 3313.983 18047  
of the Revised Code: 18048

(1) "Parent" means either of the natural or adoptive parents 18049  
of a student, except under the following conditions: 18050

(a) When the marriage of the natural or adoptive parents of 18051

the student has been terminated by a divorce, dissolution of 18052  
marriage, or annulment or the natural or adoptive parents of the 18053  
student are living separate and apart under a legal separation 18054  
decree and the court has issued an order allocating the parental 18055  
rights and responsibilities with respect to the student, "parent" 18056  
means the residential parent as designated by the court except 18057  
that "parent" means either parent when the court issues a shared 18058  
parenting decree. 18059

(b) When a court has granted temporary or permanent custody 18060  
of the student to an individual or agency other than either of the 18061  
natural or adoptive parents of the student, "parent" means the 18062  
legal custodian of the child. 18063

(c) When a court has appointed a guardian for the student, 18064  
"parent" means the guardian of the student. 18065

(2) "Native student" means a student entitled under section 18066  
3313.64 or 3313.65 of the Revised Code to attend school in a 18067  
district adopting a resolution under this section. 18068

(3) "Adjacent district" means a city, exempted village, or 18069  
local school district having territory that abuts the territory of 18070  
a district adopting a resolution under this section. 18071

(4) "Adjacent district student" means a student entitled 18072  
under section 3313.64 or 3313.65 of the Revised Code to attend 18073  
school in an adjacent district. 18074

(5) "Adjacent district joint vocational student" means an 18075  
adjacent district student who enrolls in a city, exempted village, 18076  
or local school district pursuant to this section and who also 18077  
enrolls in a joint vocational school district that does not 18078  
contain the territory of the district for which that student is a 18079  
native student and does contain the territory of the city, 18080  
exempted village, or local district in which the student enrolls. 18081

(6) "Formula amount" has the same meaning as in section 18082

3317.02 of the Revised Code. 18083

(7) "Adjusted formula amount" means the ~~greater of the~~ 18084  
~~following:~~ 18085

~~(a) The fiscal year 2005 formula amount multiplied by the~~ 18086  
~~fiscal year 2005 cost of doing business factor for a district~~ 18087  
~~defined in the version of section 3317.02 of the Revised Code in~~ 18088  
~~effect that year;~~ 18089

~~(b) The sum of (the current formula amount times the current~~ 18090  
~~cost of doing business factor as defined in section 3317.02 of the~~ 18091  
~~Revised Code)~~ plus the per pupil amount of the base funding 18092  
supplements specified in divisions (C)(1) to (4) of section 18093  
3317.012 of the Revised Code. 18094

(8) "Poverty line" means the poverty line established by the 18095  
director of the United States office of management and budget as 18096  
revised by the director of the office of community services in 18097  
accordance with section 673(2) of the "Community Services Block 18098  
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 18099

(9) "IEP" means an individualized education program defined 18100  
by division (E) of section 3323.01 of the Revised Code. 18101

(10) "Other district" means a city, exempted village, or 18102  
local school district having territory outside of the territory of 18103  
a district adopting a resolution under this section. 18104

(11) "Other district student" means a student entitled under 18105  
section 3313.64 or 3313.65 of the Revised Code to attend school in 18106  
an other district. 18107

(12) "Other district joint vocational student" means a 18108  
student who is enrolled in any city, exempted village, or local 18109  
school district and who also enrolls in a joint vocational school 18110  
district that does not contain the territory of the district for 18111  
which that student is a native student in accordance with a policy 18112

adopted under section 3313.983 of the Revised Code. 18113

(B)(1) The board of education of each city, local, and 18114  
exempted village school district shall adopt a resolution 18115  
establishing for the school district one of the following 18116  
policies: 18117

(a) A policy that entirely prohibits the enrollment of 18118  
students from adjacent districts or other districts, other than 18119  
students for whom tuition is paid in accordance with section 18120  
3317.08 of the Revised Code; 18121

(b) A policy that permits enrollment of students from all 18122  
adjacent districts in accordance with policy statements contained 18123  
in the resolution; 18124

(c) A policy that permits enrollment of students from all 18125  
other districts in accordance with policy statements contained in 18126  
the resolution. 18127

(2) A policy permitting enrollment of students from adjacent 18128  
or from other districts, as applicable, shall provide for all of 18129  
the following: 18130

(a) Application procedures, including deadlines for 18131  
application and for notification of students and the 18132  
superintendent of the applicable district whenever an adjacent or 18133  
other district student's application is approved. 18134

(b) Procedures for admitting adjacent or other district 18135  
applicants free of any tuition obligation to the district's 18136  
schools, including, but not limited to: 18137

(i) The establishment of district capacity limits by grade 18138  
level, school building, and education program; 18139

(ii) A requirement that all native students wishing to be 18140  
enrolled in the district will be enrolled and that any adjacent or 18141  
other district students previously enrolled in the district shall 18142

receive preference over first-time applicants;	18143
(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	18144 18145
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:	18146 18147 18148
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	18149 18150
(2) Limitations on admitting applicants because of handicapping conditions, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;	18151 18152 18153 18154 18155
(3) A requirement that the student be proficient in the English language;	18156 18157
(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.	18158 18159 18160 18161 18162 18163 18164
(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.	18165 18166 18167 18168 18169 18170
(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under	18171 18172

this section, including the application procedures and deadlines, 18173  
upon request, to the board of education of any other school 18174  
district or to the parent of any student anywhere in the state. 18175

(E) Any school board shall accept all credits toward 18176  
graduation earned in adjacent or other district schools by an 18177  
adjacent or other district student or a native student. 18178

(F)(1) No board of education may adopt a policy discouraging 18179  
or prohibiting its native students from applying to enroll in the 18180  
schools of an adjacent or any other district that has adopted a 18181  
policy permitting such enrollment, except that: 18182

(a) A district may object to the enrollment of a native 18183  
student in an adjacent or other district in order to maintain an 18184  
appropriate racial balance. 18185

(b) The board of education of a district receiving funds 18186  
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 18187  
may adopt a resolution objecting to the enrollment of its native 18188  
students in adjacent or other districts if at least ten per cent 18189  
of its students are included in the determination of the United 18190  
States secretary of education made under section 20 U.S.C.A. 18191  
238(a). 18192

(2) If a board objects to enrollment of native students under 18193  
this division, any adjacent or other district shall refuse to 18194  
enroll such native students unless tuition is paid for the 18195  
students in accordance with section 3317.08 of the Revised Code. 18196  
An adjacent or other district enrolling such students may not 18197  
receive funding for those students in accordance with section 18198  
3313.981 of the Revised Code. 18199

(G) The state board of education shall monitor school 18200  
districts to ensure compliance with this section and the 18201  
districts' policies. The board may adopt rules requiring uniform 18202  
application procedures, deadlines for application, notification 18203

procedures, and record-keeping requirements for all school boards 18204  
that adopt policies permitting the enrollment of adjacent or other 18205  
district students, as applicable. If the state board adopts such 18206  
rules, no school board shall adopt a policy that conflicts with 18207  
those rules. 18208

(H) A resolution adopted by a board of education under this 18209  
section that entirely prohibits the enrollment of students from 18210  
adjacent and from other school districts does not abrogate any 18211  
agreement entered into under section 3313.841 or 3313.92 of the 18212  
Revised Code or any contract entered into under section 3313.90 of 18213  
the Revised Code between the board of education adopting the 18214  
resolution and the board of education of any adjacent or other 18215  
district or prohibit these boards of education from entering into 18216  
any such agreement or contract. 18217

(I) Nothing in this section shall be construed to permit or 18218  
require the board of education of a city, exempted village, or 18219  
local school district to exclude any native student of the 18220  
district from enrolling in the district. 18221

**Sec. 3314.015.** (A) The department of education shall be 18222  
responsible for the oversight of sponsors of the community schools 18223  
established under this chapter and shall provide technical 18224  
assistance to schools and sponsors in their compliance with 18225  
applicable laws and the terms of the contracts entered into under 18226  
section 3314.03 of the Revised Code and in the development and 18227  
start-up activities of those schools. In carrying out its duties 18228  
under this section, the department shall do all of the following: 18229

(1) In providing technical assistance to proposing parties, 18230  
governing authorities, and sponsors, conduct training sessions and 18231  
distribute informational materials; 18232

(2) Approve entities to be sponsors of community schools and 18233  
monitor the effectiveness of those sponsors in their oversight of 18234

the schools with which they have contracted; 18235

(3) By December thirty-first of each year, issue a report to 18236  
the governor, the speaker of the house of representatives, the 18237  
president of the senate, and the chairpersons of the house and 18238  
senate committees principally responsible for education matters 18239  
regarding the effectiveness of academic programs, operations, and 18240  
legal compliance and of the financial condition of all community 18241  
schools established under this chapter; 18242

(4) From time to time, make legislative recommendations to 18243  
the general assembly designed to enhance the operation and 18244  
performance of community schools. 18245

(B)(1) No entity listed in division (C)(1) of section 3314.02 18246  
of the Revised Code shall enter into a preliminary agreement under 18247  
division (C)(2) of section 3314.02 of the Revised Code until it 18248  
has received approval from the department of education to sponsor 18249  
community schools under this chapter and has entered into a 18250  
written agreement with the department regarding the manner in 18251  
which the entity will conduct such sponsorship. The department 18252  
shall adopt in accordance with Chapter 119. of the Revised Code 18253  
rules containing criteria, procedures, and deadlines for 18254  
processing applications for such approval, for oversight of 18255  
sponsors, for revocation of the approval of sponsors, and for 18256  
entering into written agreements with sponsors. The rules shall 18257  
require an entity to submit evidence of the entity's ability and 18258  
willingness to comply with the provisions of division (D) of 18259  
section 3314.03 of the Revised Code. The rules also shall require 18260  
entities approved as sponsors on and after June 30, 2005, to 18261  
demonstrate a record of financial responsibility and successful 18262  
implementation of educational programs. If an entity seeking 18263  
approval on or after June 30, 2005, to sponsor community schools 18264  
in this state sponsors or operates schools in another state, at 18265  
least one of the schools sponsored or operated by the entity must 18266

be comparable to or better than the performance of Ohio schools in 18267  
~~a state of academic watch~~ need of continuous improvement under 18268  
section 3302.03 of the Revised Code, as determined by the 18269  
department. 18270

An entity that sponsors community schools may enter into 18271  
preliminary agreements and sponsor schools as follows, provided 18272  
each school and the contract for sponsorship meets the 18273  
requirements of this chapter: 18274

(a) An entity that sponsored fifty or fewer schools that were 18275  
open for operation as of May 1, 2005, may sponsor not more than 18276  
fifty schools. 18277

(b) An entity that sponsored more than fifty but not more 18278  
than seventy-five schools that were open for operation as of May 18279  
1, 2005, may sponsor not more than the number of schools the 18280  
entity sponsored that were open for operation as of May 1, 2005. 18281

(c) Until June 30, 2006, an entity that sponsored more than 18282  
seventy-five schools that were open for operation as of May 1, 18283  
2005, may sponsor not more than the number of schools the entity 18284  
sponsored that were open for operation as of May 1, 2005. After 18285  
June 30, 2006, such an entity may sponsor not more than 18286  
seventy-five schools. 18287

Upon approval of an entity to be a sponsor under this 18288  
division, the department shall notify the entity of the number of 18289  
schools the entity may sponsor. 18290

The limit imposed on an entity to which division (B)(1) of 18291  
this section applies shall be decreased by one for each school 18292  
sponsored by the entity that permanently closes. 18293

If at any time an entity exceeds the number of schools it may 18294  
sponsor under this division, the department shall assist the 18295  
schools in excess of the entity's limit in securing new sponsors. 18296  
If a school is unable to secure a new sponsor, the department 18297

shall assume sponsorship of the school in accordance with division 18298  
(C) of this section. Those schools for which another sponsor or 18299  
the department assumes sponsorship shall be the schools that most 18300  
recently entered into contracts with the entity under section 18301  
3314.03 of the Revised Code. 18302

(2) The department of education shall determine, pursuant to 18303  
criteria adopted by rule of the department, whether the mission 18304  
proposed to be specified in the contract of a community school to 18305  
be sponsored by a state university board of trustees or the 18306  
board's designee under division (C)(1)(e) of section 3314.02 of 18307  
the Revised Code complies with the requirements of that division. 18308  
Such determination of the department is final. 18309

(3) The department of education shall determine, pursuant to 18310  
criteria adopted by rule of the department, if any tax-exempt 18311  
entity under section 501(c)(3) of the Internal Revenue Code that 18312  
is proposed to be a sponsor of a community school is an 18313  
education-oriented entity for purpose of satisfying the condition 18314  
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 18315  
Revised Code. Such determination of the department is final. 18316

(C) If at any time the state board of education finds that a 18317  
sponsor is not in compliance or is no longer willing to comply 18318  
with its contract with any community school or with the 18319  
department's rules for sponsorship, the state board or designee 18320  
shall conduct a hearing in accordance with Chapter 119. of the 18321  
Revised Code on that matter. If after the hearing, the state board 18322  
or designee has confirmed the original finding, the department of 18323  
education may revoke the sponsor's approval to sponsor community 18324  
schools and may assume the sponsorship of any schools with which 18325  
the sponsor has contracted until the earlier of the expiration of 18326  
two school years or until a new sponsor as described in division 18327  
(C)(1) of section 3314.02 of the Revised Code is secured by the 18328  
school's governing authority. The department may extend the term 18329

of the contract in the case of a school for which it has assumed 18330  
sponsorship under this division as necessary to accommodate the 18331  
term of the department's authorization to sponsor the school 18332  
specified in this division. 18333

(D) The decision of the department to disapprove an entity 18334  
for sponsorship of a community school or to revoke approval for 18335  
such sponsorship, as provided in division (C) of this section, may 18336  
be appealed by the entity in accordance with section 119.12 of the 18337  
Revised Code. 18338

(E) The department shall adopt procedures for use by a 18339  
community school governing authority and sponsor when the school 18340  
permanently closes and ceases operation, which shall include at 18341  
least procedures for data reporting to the department, handling of 18342  
student records, distribution of assets in accordance with section 18343  
3314.074 of the Revised Code, and other matters related to ceasing 18344  
operation of the school. 18345

(F) In carrying out its duties under this chapter, the 18346  
department shall not impose requirements on community schools or 18347  
their sponsors that are not permitted by law or duly adopted 18348  
rules. 18349

Sec. 3314.016. (A) After June 30, 2007, a new start-up school 18350  
may be established under this chapter only if the school's 18351  
governing authority enters into a contract with an operator that 18352  
manages other schools in the United States that perform at a level 18353  
higher than academic watch. The governing authority of the 18354  
community school may sign a contract with an operator only if the 18355  
operator has fewer contracts with the governing authorities of new 18356  
start-up schools established under this chapter after June 30, 18357  
2007, than the number of schools managed by the operator in the 18358  
United States that perform at a level higher than academic watch, 18359  
as determined by the department of education. 18360

(B) Notwithstanding division (A) of this section, the governing authority of a start-up school sponsored by an entity described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code may establish one additional school serving the same grade levels and providing the same educational program as the current start-up school and may open that additional school in the 2007-2008 school year, if both of the following conditions are met:

(1) The governing authority entered into another contract with the same sponsor or a different sponsor described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code and filed a copy of that contract with the superintendent of public instruction prior to March 15, 2006.

(2) The governing authority's current school satisfies all of the following conditions:

(a) The school currently is rated as excellent or effective pursuant to section 3302.03 of the Revised Code.

(b) The school made adequate yearly progress, as defined in section 3302.01 of the Revised Code, for the previous school year.

(c) The school has been in operation for at least four school years.

(d) The school is not managed by an operator.

**Sec. 3314.02.** (A) As used in this chapter:

(1) "Sponsor" means an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section.

(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project

established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.	18391 18392
(3) "Challenged school district" means any of the following:	18393
(a) A school district that is part of the pilot project area;	18394
(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code;	18395 18396 18397
(c) A big eight school district.	18398
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	18399 18400
(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;	18401 18402 18403 18404
(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.	18405 18406 18407
(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.	18408 18409 18410 18411
(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.	18412 18413 18414 18415
(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that	18416 18417 18418 18419 18420

does not rely on regular classroom instruction or via 18421  
comprehensive instructional methods that include internet-based, 18422  
other computer-based, and noncomputer-based learning 18423  
opportunities. 18424

(B) Any person or group of individuals may initially propose 18425  
under this division the conversion of all or a portion of a public 18426  
school to a community school. The proposal shall be made to the 18427  
board of education of the city, local, or exempted village school 18428  
district in which the public school is proposed to be converted. 18429  
Upon receipt of a proposal, a board may enter into a preliminary 18430  
agreement with the person or group proposing the conversion of the 18431  
public school, indicating the intention of the board of education 18432  
to support the conversion to a community school. A proposing 18433  
person or group that has a preliminary agreement under this 18434  
division may proceed to finalize plans for the school, establish a 18435  
governing authority for the school, and negotiate a contract with 18436  
the board of education. Provided the proposing person or group 18437  
adheres to the preliminary agreement and all provisions of this 18438  
chapter, the board of education shall negotiate in good faith to 18439  
enter into a contract in accordance with section 3314.03 of the 18440  
Revised Code and division (C) of this section. 18441

(C)(1) Any person or group of individuals may propose under 18442  
this division the establishment of a new start-up school to be 18443  
located in a challenged school district. The proposal may be made 18444  
to any of the following entities: 18445

(a) The board of education of the district in which the 18446  
school is proposed to be located; 18447

(b) The board of education of any joint vocational school 18448  
district with territory in the county in which is located the 18449  
majority of the territory of the district in which the school is 18450  
proposed to be located; 18451

(c) The board of education of any other city, local, or 18452  
exempted village school district having territory in the same 18453  
county where the district in which the school is proposed to be 18454  
located has the major portion of its territory; 18455

(d) The governing board of any educational service center, as 18456  
long as the proposed school will be located in a county within the 18457  
territory of the service center or in a county contiguous to such 18458  
county; 18459

(e) A sponsoring authority designated by the board of 18460  
trustees of any of the thirteen state universities listed in 18461  
section 3345.011 of the Revised Code or the board of trustees 18462  
itself as long as a mission of the proposed school to be specified 18463  
in the contract under division (A)(2) of section 3314.03 of the 18464  
Revised Code and as approved by the department of education under 18465  
division (B)(2) of section 3314.015 of the Revised Code will be 18466  
the practical demonstration of teaching methods, educational 18467  
technology, or other teaching practices that are included in the 18468  
curriculum of the university's teacher preparation program 18469  
approved by the state board of education; 18470

(f) Any qualified tax-exempt entity under section 501(c)(3) 18471  
of the Internal Revenue Code as long as all of the following 18472  
conditions are satisfied: 18473

(i) The entity has been in operation for at least five years 18474  
prior to applying to be a community school sponsor. 18475

(ii) The entity has assets of at least five hundred thousand 18476  
dollars and a demonstrated record of financial responsibility. 18477

(iii) The department of education has determined that the 18478  
entity is an education-oriented entity under division (B)(3) of 18479  
section 3314.015 of the Revised Code and the entity has a 18480  
demonstrated record of successful implementation of educational 18481  
programs. 18482

(iv) The entity is not a community school. 18483

Any entity described in division (C)(1) of this section may 18484  
enter into a preliminary agreement pursuant to division (C)(2) of 18485  
this section with the proposing person or group. 18486

(2) A preliminary agreement indicates the intention of an 18487  
entity described in division (C)(1) of this section to sponsor the 18488  
community school. A proposing person or group that has such a 18489  
preliminary agreement may proceed to finalize plans for the 18490  
school, establish a governing authority as described in division 18491  
(E) of this section for the school, and negotiate a contract with 18492  
the entity. Provided the proposing person or group adheres to the 18493  
preliminary agreement and all provisions of this chapter, the 18494  
entity shall negotiate in good faith to enter into a contract in 18495  
accordance with section 3314.03 of the Revised Code. 18496

(3) A new start-up school that is established in a school 18497  
district while that district is either in a state of academic 18498  
emergency or in a state of academic watch under section 3302.03 of 18499  
the Revised Code may continue in existence once the school 18500  
district is no longer in a state of academic emergency or academic 18501  
watch, provided there is a valid contract between the school and a 18502  
sponsor. 18503

(4) A copy of every preliminary agreement entered into under 18504  
this division shall be filed with the superintendent of public 18505  
instruction. 18506

(D) A majority vote of the board of a sponsoring entity and a 18507  
majority vote of the members of the governing authority of a 18508  
community school shall be required to adopt a contract and convert 18509  
the public school to a community school or establish the new 18510  
start-up school. Beginning September 29, 2005, adoption of the 18511  
contract shall occur not later than the fifteenth day of March, 18512  
and signing of the contract shall occur not later than the 18513

fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013 ~~and~~, 3314.014, and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, siblings, and in-laws.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals .

No person shall serve on the governing authority or operate the community school under contract with the governing authority so long as the person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(2) No person shall serve on the governing authorities of more than two start-up community schools at the same time.

(3) No present or former member, or immediate relative of a present or former member, of the governing authority of any community school established under this chapter shall be an owner, employee, or consultant of any nonprofit or for-profit operator of a community school, ~~as defined in section 3314.014 of the Revised Code,~~ unless at least one year has elapsed since the conclusion of the person's membership.

(F) Nothing in this chapter shall be construed to permit the establishment of a community school in more than one school district under the same contract.

(G)(1) A new start-up school that is established prior to

August 15, 2003, in an urban school district that is not also a 18545  
big-eight school district may continue to operate after that date 18546  
and the contract between the school's governing authority and the 18547  
school's sponsor may be renewed, as provided under this chapter, 18548  
after that date, but no additional new start-up schools may be 18549  
established in such a district unless the district is a challenged 18550  
school district as defined in this section as it exists on and 18551  
after that date. 18552

(2) A community school that was established prior to June 29, 18553  
1999, and is located in a county contiguous to the pilot project 18554  
area and in a school district that is not a challenged school 18555  
district may continue to operate after that date, provided the 18556  
school complies with all provisions of this chapter. The contract 18557  
between the school's governing authority and the school's sponsor 18558  
may be renewed, but no additional start-up community school may be 18559  
established in that district unless the district is a challenged 18560  
school district. 18561

(3) Any educational service center that, on the effective 18562  
date of this amendment, sponsors a community school that is not 18563  
located in a county within the territory of the service center or 18564  
in a county contiguous to such county may continue to sponsor that 18565  
community school on and after the effective date of this amendment 18566  
and may renew its contract with the school. However, the 18567  
educational service center shall not enter into a contract with 18568  
any additional community school unless the school is located in a 18569  
county within the territory of the service center or in a county 18570  
contiguous to such county. 18571

**Sec. 3314.074.** Divisions (A) and (B) of this section apply 18572  
only to the extent permitted under Chapter 1702. of the Revised 18573  
Code. 18574

(A) If any community school established under this chapter 18575

permanently closes and ceases its operation as a community school, 18576  
the assets of that school shall be distributed first to the 18577  
retirement funds of employees of the school, employees of the 18578  
school, and private creditors who are owed compensation, and then 18579  
any remaining funds shall be paid to the ~~state treasury to the~~ 18580  
~~credit of the general revenue fund~~ department of education for 18581  
redistribution to the school districts in which the students who 18582  
were enrolled in the school at the time it ceased operation were 18583  
entitled to attend school under section 3313.64 or 3313.65 of the 18584  
Revised Code. The amount distributed to each school district shall 18585  
be proportional to the district's share of the total enrollment in 18586  
the community school. 18587

(B) If a community school closes and ceases to operate as a 18588  
community school and the school has received computer hardware or 18589  
software from the former Ohio SchoolNet commission or the eTech 18590  
Ohio commission, such hardware or software shall be returned to 18591  
the eTech Ohio commission, and the eTech Ohio commission shall 18592  
redistribute the hardware and software, to the extent such 18593  
redistribution is possible, to school districts in conformance 18594  
with the provisions of the programs operated and administered by 18595  
the eTech Ohio commission. 18596

(C) If the assets of the school are insufficient to pay all 18597  
persons or entities to whom compensation is owed, the 18598  
prioritization of the distribution of the assets to individual 18599  
persons or entities within each class of payees may be determined 18600  
by decree of a court in accordance with this section and Chapter 18601  
1702. of the Revised Code. 18602

**Sec. 3314.08.** (A) As used in this section: 18603

(1) "Base formula amount" means the amount specified as such 18604  
in a community school's financial plan for a school year pursuant 18605  
to division (A)(15) of section 3314.03 of the Revised Code. 18606

(2) ~~"Cost of doing business factor" has the same meaning as~~ 18607  
~~in section 3317.02 of the Revised Code.~~ 18608

~~(3)~~ "IEP" means an individualized education program as 18609  
defined in section 3323.01 of the Revised Code. 18610

~~(4)~~(3) "Applicable special education weight" means the 18611  
multiple specified in section 3317.013 of the Revised Code for a 18612  
handicap described in that section. 18613

~~(5)~~(4) "Applicable vocational education weight" means: 18614

(a) For a student enrolled in vocational education programs 18615  
or classes described in division (A) of section 3317.014 of the 18616  
Revised Code, the multiple specified in that division; 18617

(b) For a student enrolled in vocational education programs 18618  
or classes described in division (B) of section 3317.014 of the 18619  
Revised Code, the multiple specified in that division. 18620

~~(6)~~(5) "Entitled to attend school" means entitled to attend 18621  
school in a district under section 3313.64 or 3313.65 of the 18622  
Revised Code. 18623

~~(7)~~(6) A community school student is "included in the poverty 18624  
student count" of a school district if the student is entitled to 18625  
attend school in the district and the student's family receives 18626  
assistance under the Ohio works first program. 18627

~~(8)~~(7) "Poverty-based assistance reduction factor" means the 18628  
percentage figure, if any, for reducing the per pupil amount of 18629  
poverty-based assistance a community school is entitled to receive 18630  
pursuant to divisions (D)(5) ~~and (6)~~ to (9) of this section in any 18631  
year, as specified in the school's financial plan for the year 18632  
pursuant to division (A)(15) of section 3314.03 of the Revised 18633  
Code. 18634

~~(9)~~(8) "All-day kindergarten" has the same meaning as in 18635  
section 3317.029 of the Revised Code. 18636

~~(10) "SF-3 payment" means the sum of the payments to a school district in a fiscal year under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022, divisions (G), (L), and (N) of section 3317.024, and sections 3317.029, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after making the adjustments required by sections 3313.981 and 3313.979, divisions (B), (C), (D), (E), (K), (L), (M), (N), and (O) of section 3317.023, and division (C) of section 3317.20 (9) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.~~

(B) The state board of education shall adopt rules requiring both of the following:

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in grades one through twelve in a community school established under this chapter, the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school, the number of those kindergartners who are enrolled in all-day kindergarten in their community school, and for each child, the community school in which the child is enrolled.

(2) The governing authority of each community school established under this chapter to annually report all of the following:

(a) The number of students enrolled in grades one through twelve and the number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(b) The number of enrolled students in grades one through twelve and the number of enrolled students in kindergarten, who

are receiving special education and related services pursuant to 18668  
an IEP; 18669

(c) The number of students reported under division (B)(2)(b) 18670  
of this section receiving special education and related services 18671  
pursuant to an IEP for a handicap described in each of divisions 18672  
(A) to (F) of section 3317.013 of the Revised Code; 18673

(d) The full-time equivalent number of students reported 18674  
under divisions (B)(2)(a) and (b) of this section who are enrolled 18675  
in vocational education programs or classes described in each of 18676  
divisions (A) and (B) of section 3317.014 of the Revised Code that 18677  
are provided by the community school; 18678

(e) Twenty per cent of the number of students reported under 18679  
divisions (B)(2)(a) and (b) of this section who are not reported 18680  
under division (B)(2)(d) of this section but who are enrolled in 18681  
vocational education programs or classes described in each of 18682  
divisions (A) and (B) of section 3317.014 of the Revised Code at a 18683  
joint vocational school district under a contract between the 18684  
community school and the joint vocational school district and are 18685  
entitled to attend school in a city, local, or exempted village 18686  
school district whose territory is part of the territory of the 18687  
joint vocational district; 18688

(f) The number of enrolled preschool handicapped students 18689  
receiving special education services in a state-funded unit; 18690

(g) The community school's base formula amount; 18691

(h) For each student, the city, exempted village, or local 18692  
school district in which the student is entitled to attend school; 18693

(i) Any poverty-based assistance reduction factor that 18694  
applies to a school year. 18695

(C) From the ~~SF-3 payment made to~~ state education aid 18696  
calculated for a city, exempted village, or local school district 18697

and, if necessary, from the payment made to the district under 18698  
sections 321.24 and 323.156 of the Revised Code, the department of 18699  
education shall annually subtract the sum of the amounts described 18700  
in divisions (C)(1) to (9) of this section. However, when 18701  
deducting payments on behalf of students enrolled in internet- or 18702  
computer-based community schools, the department shall deduct only 18703  
those amounts described in divisions (C)(1) and (2) of this 18704  
section. Furthermore, the aggregate amount deducted under this 18705  
division shall not exceed the sum of the district's ~~SF-3 payment~~ 18706  
state education aid and its payment under sections 321.24 and 18707  
323.156 of the Revised Code. 18708

(1) An amount equal to the sum of the amounts obtained when, 18709  
for each community school where the district's students are 18710  
enrolled, the number of the district's students reported under 18711  
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 18712  
in grades one through twelve, and one-half the number of students 18713  
reported under those divisions who are enrolled in kindergarten, 18714  
in that community school is multiplied by the ~~greater of the~~ 18715  
~~following:~~ 18716

~~(a) The fiscal year 2005 base formula amount of that 18717  
community school as adjusted by the school district's fiscal year 18718  
2005 cost of doing business factor;~~ 18719

~~(b) The sum of (the ~~current~~ base formula amount of that 18720  
community school ~~times the school district's current~~ 18721  
~~cost of doing business factor~~) plus the per pupil amount of the 18722  
base funding supplements specified in divisions (C)(1) to (4) of 18723  
section 3317.012 of the Revised Code. 18724~~

(2) The sum of the amounts calculated under divisions 18725  
(C)(2)(a) and (b) of this section: 18726

(a) For each of the district's students reported under 18727  
division (B)(2)(c) of this section as enrolled in a community 18728

school in grades one through twelve and receiving special 18729  
education and related services pursuant to an IEP for a handicap 18730  
described in section 3317.013 of the Revised Code, the product of 18731  
the applicable special education weight times the community 18732  
school's base formula amount; 18733

(b) For each of the district's students reported under 18734  
division (B)(2)(c) of this section as enrolled in kindergarten in 18735  
a community school and receiving special education and related 18736  
services pursuant to an IEP for a handicap described in section 18737  
3317.013 of the Revised Code, one-half of the amount calculated as 18738  
prescribed in division (C)(2)(a) of this section. 18739

(3) For each of the district's students reported under 18740  
division (B)(2)(d) of this section for whom payment is made under 18741  
division (D)(4) of this section, the amount of that payment; 18742

(4) An amount equal to the sum of the amounts obtained when, 18743  
for each community school where the district's students are 18744  
enrolled, the number of the district's students enrolled in that 18745  
community school who are included in the district's poverty 18746  
student count is multiplied by the per pupil amount of 18747  
poverty-based assistance the school district receives that year 18748  
pursuant to division ~~(B) or~~ (C) of section 3317.029 of the Revised 18749  
Code, as adjusted by any poverty-based assistance reduction factor 18750  
of that community school. ~~If the district receives poverty based~~ 18751  
~~assistance under division (B) of that section, the per pupil~~ 18752  
~~amount of that aid is the quotient of the amount the district~~ 18753  
~~received under that division divided by the district's poverty~~ 18754  
~~student count, as defined in that section. If the district~~ 18755  
~~receives poverty based assistance under division (C) of section~~ 18756  
~~3317.029 of the Revised Code, the~~ The per pupil amount of that aid 18757  
for the district shall be calculated by the department. 18758

(5) An amount equal to the sum of the amounts obtained when, 18759  
for each community school where the district's students are 18760

enrolled, the district's per pupil amount of aid received under 18761  
division (E) of section 3317.029 of the Revised Code, as adjusted 18762  
by any poverty-based assistance reduction factor of the community 18763  
school, is multiplied by the sum of the following: 18764

(a) The number of the district's students reported under 18765  
division (B)(2)(a) of this section who are enrolled in grades one 18766  
to three in that community school and who are not receiving 18767  
special education and related services pursuant to an IEP; 18768

(b) One-half of the district's students who are enrolled in 18769  
all-day or any other kindergarten class in that community school 18770  
and who are not receiving special education and related services 18771  
pursuant to an IEP; 18772

(c) One-half of the district's students who are enrolled in 18773  
all-day kindergarten in that community school and who are not 18774  
receiving special education and related services pursuant to an 18775  
IEP. 18776

The district's per pupil amount of aid under division (E) of 18777  
section 3317.029 of the Revised Code is the quotient of the amount 18778  
the district received under that division divided by the 18779  
district's kindergarten through third grade ADM, as defined in 18780  
that section. 18781

(6) An amount equal to the sum of the amounts obtained when, 18782  
for each community school where the district's students are 18783  
enrolled, the district's per pupil amount received under division 18784  
(F) of section 3317.029 of the Revised Code, as adjusted by any 18785  
poverty-based assistance reduction factor of that community 18786  
school, is multiplied by the number of the district's students 18787  
enrolled in the community school who are identified as 18788  
limited-English proficient. 18789

(7) An amount equal to the sum of the amounts obtained when, 18790  
for each community school where the district's students are 18791

enrolled, the district's per pupil amount received under division 18792  
(G) of section 3317.029 of the Revised Code, as adjusted by any 18793  
poverty-based assistance reduction factor of that community 18794  
school, is multiplied by the sum of the following: 18795

(a) The number of the district's students enrolled in grades 18796  
one through twelve in that community school; 18797

(b) One-half of the number of the district's students 18798  
enrolled in kindergarten in that community school. 18799

The district's per pupil amount under division (G) of section 18800  
3317.029 of the Revised Code is the district's amount per teacher 18801  
calculated under division (G)(1) or (2) of that section divided by 18802  
~~17, times a multiple of 0.40 in fiscal year 2006 and 0.70 in~~ 18803  
~~fiscal year 2007.~~ 18804

(8) An amount equal to the sum of the amounts obtained when, 18805  
for each community school where the district's students are 18806  
enrolled, the district's per pupil amount received under divisions 18807  
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 18808  
by any poverty-based assistance reduction factor of that community 18809  
school, is multiplied by the sum of the following: 18810

(a) The number of the district's students enrolled in grades 18811  
one through twelve in that community school; 18812

(b) One-half of the number of the district's students 18813  
enrolled in kindergarten in that community school. 18814

The district's per pupil amount under divisions (H) and (I) 18815  
of section 3317.029 of the Revised Code is the amount calculated 18816  
under each division divided by the district's formula ADM, as 18817  
defined in section 3317.02 of the Revised Code. 18818

(9) An amount equal to the per pupil state parity aid funding 18819  
calculated for the school district under either division (C) or 18820  
(D) of section 3317.0217 of the Revised Code multiplied by the sum 18821

of the number of students in grades one through twelve, and 18822  
one-half of the number of students in kindergarten, who are 18823  
entitled to attend school in the district and are enrolled in a 18824  
community school as reported under division (B)(1) of this 18825  
section. 18826

(D) The department shall annually pay to a community school 18827  
established under this chapter the sum of the amounts described in 18828  
divisions (D)(1) to (10) of this section. However, the department 18829  
shall calculate and pay to each internet- or computer-based 18830  
community school only the amounts described in divisions (D)(1) to 18831  
(3) of this section. Furthermore, the sum of the payments to all 18832  
community schools under divisions (D)(1), (2), and (4) to (10) of 18833  
this section for the students entitled to attend school in any 18834  
particular school district shall not exceed the sum of that 18835  
district's ~~SF-3 payment~~ state education aid and its payment under 18836  
sections 321.24 and 323.156 of the Revised Code. If the sum of the 18837  
payments calculated under those divisions for the students 18838  
entitled to attend school in a particular school district exceeds 18839  
the sum of that district's ~~SF-3 payment~~ state education aid and 18840  
its payment under sections 321.24 and 323.156 of the Revised Code, 18841  
the department shall calculate and apply a proration factor to the 18842  
payments to all community schools under those divisions for the 18843  
students entitled to attend school in that district. 18844

(1) Subject to section 3314.085 of the Revised Code, an 18845  
amount equal to the sum of the amounts obtained when the number of 18846  
students enrolled in grades one through twelve, plus one-half of 18847  
the kindergarten students in the school, reported under divisions 18848  
(B)(2)(a), (b), and (e) of this section who are not receiving 18849  
special education and related services pursuant to an IEP for a 18850  
handicap described in section 3317.013 of the Revised Code is 18851  
multiplied by the ~~greater of the following:~~ 18852

~~(a) The community school's fiscal year 2005 base formula 18853~~

~~amount, as adjusted by the fiscal year 2005 cost of doing business~~ 18854  
~~factor of the school district in which the student is entitled to~~ 18855  
~~attend school;~~ 18856

~~(b) The sum of (the community school's current base formula~~ 18857  
~~amount times the current cost of doing business factor of the~~ 18858  
~~school district in which the student is entitled to attend school)~~ 18859  
plus the per pupil amount of the base funding supplements 18860  
specified in divisions (C)(1) to (4) of section 3317.012 of the 18861  
Revised Code. 18862

(2) Prior to fiscal year 2007, the greater of the amount 18863  
calculated under division (D)(2)(a) or (b) of this section, and in 18864  
fiscal year 2007 and thereafter, the amount calculated under 18865  
division (D)(2)(b) of this section: 18866

(a) The aggregate amount that the department paid to the 18867  
community school in fiscal year 1999 for students receiving 18868  
special education and related services pursuant to IEPs, excluding 18869  
federal funds and state disadvantaged pupil impact aid funds; 18870

(b) The sum of the amounts calculated under divisions 18871  
(D)(2)(b)(i) and (ii) of this section: 18872

(i) For each student reported under division (B)(2)(c) of 18873  
this section as enrolled in the school in grades one through 18874  
twelve and receiving special education and related services 18875  
pursuant to an IEP for a handicap described in section 3317.013 of 18876  
the Revised Code, the following amount: 18877

~~the greater of (the community school's fiscal year 2005~~ 18878  
~~base formula amount X the fiscal year 2005~~ 18879  
~~cost of doing business factor of the district~~ 18880  
~~where the student is entitled to attend school)~~ 18881  
or [(the school's current base formula amount times 18882  
~~the current cost of doing business factor of the school district~~ 18883  
~~where the student is entitled to attend school) plus~~ 18884

the per pupil amount of the base funding supplements specified in 18885  
divisions (C)(1) to (4) of section 3317.012 of the Revised Code~~)} 18886~~  
+ (the applicable special education weight X the 18887  
community school's base formula amount); 18888

(ii) For each student reported under division (B)(2)(c) of 18889  
this section as enrolled in kindergarten and receiving special 18890  
education and related services pursuant to an IEP for a handicap 18891  
described in section 3317.013 of the Revised Code, one-half of the 18892  
amount calculated under the formula prescribed in division 18893  
(D)(2)(b)(i) of this section. 18894

(3) An amount received from federal funds to provide special 18895  
education and related services to students in the community 18896  
school, as determined by the superintendent of public instruction. 18897

(4) For each student reported under division (B)(2)(d) of 18898  
this section as enrolled in vocational education programs or 18899  
classes that are described in section 3317.014 of the Revised 18900  
Code, are provided by the community school, and are comparable as 18901  
determined by the superintendent of public instruction to school 18902  
district vocational education programs and classes eligible for 18903  
state weighted funding under section 3317.014 of the Revised Code, 18904  
an amount equal to the applicable vocational education weight 18905  
times the community school's base formula amount times the 18906  
percentage of time the student spends in the vocational education 18907  
programs or classes. 18908

(5) An amount equal to the sum of the amounts obtained when, 18909  
for each school district where the community school's students are 18910  
entitled to attend school, the number of that district's students 18911  
enrolled in the community school who are included in the 18912  
district's poverty student count is multiplied by the per pupil 18913  
amount of poverty-based assistance that school district receives 18914  
that year pursuant to division ~~(B) or~~ (C) of section 3317.029 of 18915  
the Revised Code, as adjusted by any poverty-based assistance 18916

reduction factor of the community school. The per pupil amount of 18917  
aid shall be determined as described in division (C)(4) of this 18918  
section. 18919

(6) An amount equal to the sum of the amounts obtained when, 18920  
for each school district where the community school's students are 18921  
entitled to attend school, the district's per pupil amount of aid 18922  
received under division (E) of section 3317.029 of the Revised 18923  
Code, as adjusted by any poverty-based assistance reduction factor 18924  
of the community school, is multiplied by the sum of the 18925  
following: 18926

(a) The number of the district's students reported under 18927  
division (B)(2)(a) of this section who are enrolled in grades one 18928  
to three in that community school and who are not receiving 18929  
special education and related services pursuant to an IEP; 18930

(b) One-half of the district's students who are enrolled in 18931  
all-day or any other kindergarten class in that community school 18932  
and who are not receiving special education and related services 18933  
pursuant to an IEP; 18934

(c) One-half of the district's students who are enrolled in 18935  
all-day kindergarten in that community school and who are not 18936  
receiving special education and related services pursuant to an 18937  
IEP. 18938

The district's per pupil amount of aid under division (E) of 18939  
section 3317.029 of the Revised Code shall be determined as 18940  
described in division (C)(5) of this section. 18941

(7) An amount equal to the sum of the amounts obtained when, 18942  
for each school district where the community school's students are 18943  
entitled to attend school, the number of that district's students 18944  
enrolled in the community school who are identified as 18945  
limited-English proficient is multiplied by the district's per 18946  
pupil amount received under division (F) of section 3317.029 of 18947

the Revised Code, as adjusted by any poverty-based assistance 18948  
reduction factor of the community school. 18949

(8) An amount equal to the sum of the amounts obtained when, 18950  
for each school district where the community school's students are 18951  
entitled to attend school, the district's per pupil amount 18952  
received under division (G) of section 3317.029 of the Revised 18953  
Code, as adjusted by any poverty-based assistance reduction factor 18954  
of the community school, is multiplied by the sum of the 18955  
following: 18956

(a) The number of the district's students enrolled in grades 18957  
one through twelve in that community school; 18958

(b) One-half of the number of the district's students 18959  
enrolled in kindergarten in that community school. 18960

The district's per pupil amount under division (G) of section 18961  
3317.029 of the Revised Code shall be determined as described in 18962  
division (C)(7) of this section. 18963

(9) An amount equal to the sum of the amounts obtained when, 18964  
for each school district where the community school's students are 18965  
entitled to attend school, the district's per pupil amount 18966  
received under divisions (H) and (I) of section 3317.029 of the 18967  
Revised Code, as adjusted by any poverty-based assistance 18968  
reduction factor of the community school, is multiplied by the sum 18969  
of the following: 18970

(a) The number of the district's students enrolled in grades 18971  
one through twelve in that community school; 18972

(b) One-half of the number of the district's students 18973  
enrolled in kindergarten in that community school. 18974

The district's per pupil amount under divisions (H) and (I) 18975  
of section 3317.029 of the Revised Code shall be determined as 18976  
described in division (C)(8) of this section. 18977

(10) An amount equal to the sum of the amounts obtained when, 18978  
for each school district where the community school's students are 18979  
entitled to attend school, the district's per pupil amount of 18980  
state parity aid funding calculated under either division (C) or 18981  
(D) of section 3317.0217 of the Revised Code is multiplied by the 18982  
sum of the number of that district's students enrolled in grades 18983  
one through twelve, and one-half of the number of that district's 18984  
students enrolled in kindergarten, in the community school as 18985  
reported under division (B)(2)(a) and (b) of this section. 18986

(E)(1) If a community school's costs for a fiscal year for a 18987  
student receiving special education and related services pursuant 18988  
to an IEP for a handicap described in divisions (B) to (F) of 18989  
section 3317.013 of the Revised Code exceed the threshold 18990  
catastrophic cost for serving the student as specified in division 18991  
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 18992  
submit to the superintendent of public instruction documentation, 18993  
as prescribed by the superintendent, of all its costs for that 18994  
student. Upon submission of documentation for a student of the 18995  
type and in the manner prescribed, the department shall pay to the 18996  
community school an amount equal to the school's costs for the 18997  
student in excess of the threshold catastrophic costs. 18998

(2) The community school shall only report under division 18999  
(E)(1) of this section, and the department shall only pay for, the 19000  
costs of educational expenses and the related services provided to 19001  
the student in accordance with the student's individualized 19002  
education program. Any legal fees, court costs, or other costs 19003  
associated with any cause of action relating to the student may 19004  
not be included in the amount. 19005

(F) A community school may apply to the department of 19006  
education for preschool handicapped or gifted unit funding the 19007  
school would receive if it were a school district. Upon request of 19008  
its governing authority, a community school that received unit 19009

funding as a school district-operated school before it became a 19010  
community school shall retain any units awarded to it as a school 19011  
district-operated school provided the school continues to meet 19012  
eligibility standards for the unit. 19013

A community school shall be considered a school district and 19014  
its governing authority shall be considered a board of education 19015  
for the purpose of applying to any state or federal agency for 19016  
grants that a school district may receive under federal or state 19017  
law or any appropriations act of the general assembly. The 19018  
governing authority of a community school may apply to any private 19019  
entity for additional funds. 19020

(G) A board of education sponsoring a community school may 19021  
utilize local funds to make enhancement grants to the school or 19022  
may agree, either as part of the contract or separately, to 19023  
provide any specific services to the community school at no cost 19024  
to the school. 19025

(H) A community school may not levy taxes or issue bonds 19026  
secured by tax revenues. 19027

(I) No community school shall charge tuition for the 19028  
enrollment of any student. 19029

(J)(1)(a) A community school may borrow money to pay any 19030  
necessary and actual expenses of the school in anticipation of the 19031  
receipt of any portion of the payments to be received by the 19032  
school pursuant to division (D) of this section. The school may 19033  
issue notes to evidence such borrowing. The proceeds of the notes 19034  
shall be used only for the purposes for which the anticipated 19035  
receipts may be lawfully expended by the school. 19036

(b) A school may also borrow money for a term not to exceed 19037  
fifteen years for the purpose of acquiring facilities. 19038

(2) Except for any amount guaranteed under section 3318.50 of 19039  
the Revised Code, the state is not liable for debt incurred by the 19040

governing authority of a community school. 19041

(K) For purposes of determining the number of students for 19042  
which divisions (D)(5) and (6) of this section applies in any 19043  
school year, a community school may submit to the department of 19044  
job and family services, no later than the first day of March, a 19045  
list of the students enrolled in the school. For each student on 19046  
the list, the community school shall indicate the student's name, 19047  
address, and date of birth and the school district where the 19048  
student is entitled to attend school. Upon receipt of a list under 19049  
this division, the department of job and family services shall 19050  
determine, for each school district where one or more students on 19051  
the list is entitled to attend school, the number of students 19052  
residing in that school district who were included in the 19053  
department's report under section 3317.10 of the Revised Code. The 19054  
department shall make this determination on the basis of 19055  
information readily available to it. Upon making this 19056  
determination and no later than ninety days after submission of 19057  
the list by the community school, the department shall report to 19058  
the state department of education the number of students on the 19059  
list who reside in each school district who were included in the 19060  
department's report under section 3317.10 of the Revised Code. In 19061  
complying with this division, the department of job and family 19062  
services shall not report to the state department of education any 19063  
personally identifiable information on any student. 19064

(L) The department of education shall adjust the amounts 19065  
subtracted and paid under divisions (C) and (D) of this section to 19066  
reflect any enrollment of students in community schools for less 19067  
than the equivalent of a full school year. The state board of 19068  
education within ninety days after April 8, 2003, shall adopt in 19069  
accordance with Chapter 119. of the Revised Code rules governing 19070  
the payments to community schools under this section including 19071  
initial payments in a school year and adjustments and reductions 19072

made in subsequent periodic payments to community schools and 19073  
corresponding deductions from school district accounts as provided 19074  
under divisions (C) and (D) of this section. For purposes of this 19075  
section: 19076

(1) A student shall be considered enrolled in the community 19077  
school for any portion of the school year the student is 19078  
participating at a college under Chapter 3365. of the Revised 19079  
Code. 19080

(2) A student shall be considered to be enrolled in a 19081  
community school during a school year for the period of time 19082  
beginning on the later of the date on which the school both has 19083  
received documentation of the student's enrollment from a parent 19084  
and the student has commenced participation in learning 19085  
opportunities as defined in the contract with the sponsor, or 19086  
thirty days prior to the date on which the student is entered into 19087  
the education management information system established under 19088  
section 3301.0714 of the Revised Code. For purposes of applying 19089  
this division to a community school student, "learning 19090  
opportunities" shall be defined in the contract, which shall 19091  
describe both classroom-based and non-classroom-based learning 19092  
opportunities and shall be in compliance with criteria and 19093  
documentation requirements for student participation which shall 19094  
be established by the department. Any student's instruction time 19095  
in non-classroom-based learning opportunities shall be certified 19096  
by an employee of the community school. A student's enrollment 19097  
shall be considered to cease on the date on which any of the 19098  
following occur: 19099

(a) The community school receives documentation from a parent 19100  
terminating enrollment of the student. 19101

(b) The community school is provided documentation of a 19102  
student's enrollment in another public or private school. 19103

(c) The community school ceases to offer learning 19104  
opportunities to the student pursuant to the terms of the contract 19105  
with the sponsor or the operation of any provision of this 19106  
chapter. 19107

(3) A student's percentage of full-time equivalency shall be 19108  
considered to be the percentage the hours of learning opportunity 19109  
offered to that student is of nine hundred ~~and~~ twenty hours. 19110  
However, no internet- or computer-based community school shall be 19111  
credited for any time a student spends participating in learning 19112  
opportunities beyond ten hours within any period of twenty-four 19113  
consecutive hours. 19114

(M) The department of education shall reduce the amounts paid 19115  
under division (D) of this section to reflect payments made to 19116  
colleges under division (B) of section 3365.07 of the Revised 19117  
Code. 19118

(N)(1) No student shall be considered enrolled in any 19119  
internet- or computer-based community school or, if applicable to 19120  
the student, in any community school that is required to provide 19121  
the student with a computer pursuant to division (C) of section 19122  
3314.22 of the Revised Code, unless both of the following 19123  
conditions are satisfied: 19124

(a) The student possesses or has been provided with all 19125  
required hardware and software materials and all such materials 19126  
are operational so that the student is capable of fully 19127  
participating in the learning opportunities specified in the 19128  
contract between the school and the school's sponsor as required 19129  
by division (A)(23) of section 3314.03 of the Revised Code; 19130

(b) The school is in compliance with division (A) of section 19131  
3314.22 of the Revised Code, relative to such student. 19132

(2) In accordance with policies adopted jointly by the 19133  
superintendent of public instruction and the auditor of state, the 19134

department shall reduce the amounts otherwise payable under 19135  
division (D) of this section to any community school that includes 19136  
in its program the provision of computer hardware and software 19137  
materials to any student, if such hardware and software materials 19138  
have not been delivered, installed, and activated for each such 19139  
student in a timely manner or other educational materials or 19140  
services have not been provided according to the contract between 19141  
the individual community school and its sponsor. 19142

The superintendent of public instruction and the auditor of 19143  
state shall jointly establish a method for auditing any community 19144  
school to which this division pertains to ensure compliance with 19145  
this section. 19146

The superintendent, auditor of state, and the governor shall 19147  
jointly make recommendations to the general assembly for 19148  
legislative changes that may be required to assure fiscal and 19149  
academic accountability for such schools. 19150

(O)(1) The department shall not withhold payments to a 19151  
community school based on a challenge brought by a school district 19152  
concerning the community school's enrollment and student residency 19153  
reports submitted to the department without first providing the 19154  
governing authority of the community school written notice stating 19155  
the specific grounds for the challenge and requiring the school 19156  
district to submit evidence supporting its claim that a particular 19157  
student should not be included in the community school's 19158  
enrollment or that payment for that student otherwise should be 19159  
denied. The department also shall permit the governing authority 19160  
to submit documentation the governing authority believes confirms 19161  
or corrects its earlier reports that are subject to challenge. The 19162  
school district bears the burden of proof. The department shall 19163  
set a reasonable deadline for the school district and community 19164  
school to submit documentation regarding the challenge. The 19165  
department shall not withhold payments pending that deadline. The 19166

department immediately shall dismiss any challenge regarding a particular student if the department finds that the school district has not timely submitted evidence as required under this division or otherwise has not met its burden of proof or that the documentation submitted by the governing authority confirms or corrects its earlier reports regarding that student.

(2) If the department finds that the school district has timely submitted evidence and has met its burden of proof and, accordingly, that the particular student for which the district brought the challenge should not be included in the community school's enrollment or that payment otherwise should be denied for that student, the department shall withhold payments to the community school for that student.

If the governing authority of the community school subsequently submits documentation that the department finds confirms or corrects the earlier reports regarding that student, the department shall resume payments to the community school for that student and, if appropriate, shall include payment for the prior months that were withheld.

(3) The department shall not withhold any other payments from a community school without first providing to the governing authority of the community school written notice stating the amount to be withheld, reasons for withholding, and offering an opportunity for a hearing in accordance with division (P)(2) of this section.

(P)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension. 19199  
19200

(b) Delays in data submission caused by either a community school or its sponsor. 19201  
19202

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply: 19203  
19204  
19205  
19206  
19207

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee. 19208  
19209  
19210

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing. 19211  
19212  
19213  
19214

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter. 19215  
19216  
19217  
19218

(d) Any decision made by the board under this division is final. 19219  
19220

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction. 19221  
19222  
19223  
19224

~~(P)~~(Q) The department shall not subtract from a school district's state aid account under division (C) of this section and shall not pay to a community school under division (D) of this section any amount for any of the following: 19225  
19226  
19227  
19228

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school; 19229  
19230

(2) Any student who is not a resident of the state; 19231

(3) Any student who was enrolled in the community school 19232  
during the previous school year when tests were administered under 19233  
section 3301.0711 of the Revised Code but did not take one or more 19234  
of the tests required by that section and was not excused pursuant 19235  
to division (C)(1) or (3) of that section, unless the 19236  
superintendent of public instruction grants the student a waiver 19237  
from the requirement to take the test and a parent is not paying 19238  
tuition for the student pursuant to section 3314.26 of the Revised 19239  
Code. The superintendent may grant a waiver only for good cause in 19240  
accordance with rules adopted by the state board of education. 19241

(4) Any student who has attained the age of twenty-two years, 19242  
except for veterans of the armed services whose attendance was 19243  
interrupted before completing the recognized twelve-year course of 19244  
the public schools by reason of induction or enlistment in the 19245  
armed forces and who apply for enrollment in a community school 19246  
not later than four years after termination of war or their 19247  
honorable discharge. If, however, any such veteran elects to 19248  
enroll in special courses organized for veterans for whom tuition 19249  
is paid under federal law, or otherwise, the department shall not 19250  
subtract from a school district's state aid account under division 19251  
(C) of this section and shall not pay to a community school under 19252  
division (D) of this section any amount for that veteran. 19253

Sec. 3314.086. If the department of education is required to 19254  
pay an amount under section 3353.25 of the Revised Code to a 19255  
school district delivering a course included in the clearinghouse 19256  
established under section 3353.21 of the Revised Code for a 19257  
student enrolled in a community school established under this 19258  
chapter, the department shall deduct the amount of that payment 19259

from the amount calculated for payment to the community school 19260  
under section 3314.08 of the Revised Code. 19261

Sec. 3314.087. (A) As used in this section: 19262

(1) "Career-technical program" means vocational programs or 19263  
classes described in division (A) or (B) of section 3317.014 of 19264  
the Revised Code in which a student is enrolled. 19265

(2) "Formula ADM," "category one or two vocational education 19266  
ADM," and "FTE basis" have the same meanings as in section 3317.02 19267  
of the Revised Code. 19268

(3) "Resident school district" means the city, exempted 19269  
village, or local school district in which a student is entitled 19270  
to attend school under section 3313.64 or 3313.65 of the Revised 19271  
Code. 19272

(B) Notwithstanding anything to the contrary in this chapter 19273  
or Chapter 3317. of the Revised Code, a student enrolled in a 19274  
community school may simultaneously enroll in the career-technical 19275  
program operated by the student's resident school district. On an 19276  
FTE basis, the student's resident school district shall count the 19277  
student in the category one or two vocational education ADM for 19278  
the proportion of the time the student is enrolled in the 19279  
district's career-technical program and, accordingly, the 19280  
department of education shall calculate funds under Chapter 3317. 19281  
for the district attributable to the student for the proportion of 19282  
time the student attends the career-technical program. The 19283  
community school shall count the student in its enrollment report 19284  
under section 3314.08 of the Revised Code and shall report to the 19285  
department the proportion of time that the student attends classes 19286  
at the community school. The department shall pay the community 19287  
school and deduct from the student's resident school district the 19288  
amount computed for the student under section 3314.08 of the 19289  
Revised Code in proportion to the fraction of the time on an FTE 19290

basis that the student attends classes at the community school. 19291  
"Full-time equivalency" for a community school student, as defined 19292  
in division (L) of section 3314.08 of the Revised Code, does not 19293  
apply to the student. 19294

Sec. 3314.19. The sponsor of each community school annually 19295  
shall provide the following assurances in writing to the 19296  
department of education not later than ten business days prior to 19297  
the opening of the school: 19298

(A) That a current copy of the contract between the sponsor 19299  
and the governing authority of the school entered into under 19300  
section 3314.03 of the Revised Code has been filed with the state 19301  
office of community schools established under section 3314.11 of 19302  
the Revised Code and that any subsequent modifications to that 19303  
contract will be filed with the office; 19304

(B) That the school has submitted to the sponsor a plan for 19305  
providing special education and related services to students with 19306  
disabilities and has demonstrated the capacity to provide those 19307  
services in accordance with Chapter 3323. of the Revised Code and 19308  
federal law; 19309

(C) That the school has a plan and procedures for 19310  
administering the achievement tests and diagnostic assessments 19311  
prescribed by sections 3301.0710 and 3301.0715 of the Revised 19312  
Code; 19313

(D) That school personnel have the necessary training, 19314  
knowledge, and resources to properly use and submit information to 19315  
all databases maintained by the department for the collection of 19316  
education data, including the education management information 19317  
system established under section 3301.0714 of the Revised Code in 19318  
accordance with methods and timelines established under section 19319  
3314.17 of the Revised Code; 19320

(E) That all required information about the school has been submitted to the Ohio education directory system or any successor system; 19321  
19322  
19323

(F) That the school will enroll at least the minimum number of students required by division (A)(11)(a) of section 3314.03 of the Revised Code in the school year for which the assurances are provided; 19324  
19325  
19326  
19327

(G) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except for noncertificated persons engaged to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code; 19328  
19329  
19330  
19331

(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code; 19332  
19333

(I) That the school has complied with section 3319.39 of the Revised Code with respect to all employees who are responsible for the care, custody, or control of a child and that the school has conducted a criminal records check of each of its governing authority members; 19334  
19335  
19336  
19337  
19338

(J) That the school holds all of the following: 19339

(1) Proof of property ownership or a lease for the facilities used by the school; 19340  
19341

(2) A certificate of occupancy; 19342

(3) Liability insurance for the school, as required by division (A)(11)(b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk; 19343  
19344  
19345  
19346

(4) A satisfactory health and safety inspection; 19347

(5) A satisfactory fire inspection; 19348

(6) A valid food permit, if applicable. 19349

(K) That the sponsor has conducted a pre-opening site visit 19350  
to the school for the school year for which the assurances are 19351  
provided; 19352

(L) That the school has designated a date it will open for 19353  
the school year for which the assurances are provided that is in 19354  
compliance with division (A)(25) of section 3314.03 of the Revised 19355  
Code; 19356

(M) That the school has met all of the sponsor's requirements 19357  
for opening and any other requirements of the sponsor. 19358

**Sec. 3314.26.** (A) Each internet- or computer-based community 19359  
school shall withdraw from the school any student who, for two 19360  
consecutive school years, has failed to participate in the spring 19361  
administration of any test prescribed under section 3301.0710 or 19362  
3301.0712 of the Revised Code for the student's grade level and 19363  
was not excused from the test pursuant to division (C)(1) or (3) 19364  
of section 3301.0711 of the Revised Code, regardless of whether a 19365  
waiver was granted for the student under division ~~(P)~~(Q)(3) of 19366  
section 3314.08 of the Revised Code. The school shall report any 19367  
such student's data verification code, as assigned pursuant to 19368  
section 3301.0714 of the Revised Code, to the department of 19369  
education. The department shall maintain a list of all data 19370  
verification codes reported under this division and section 19371  
3313.6410 of the Revised Code and provide that list to each 19372  
internet- or computer-based community school and to each school to 19373  
which section 3313.6410 of the Revised Code applies. 19374

(B) No internet- or computer-based community school shall 19375  
receive any state funds under this chapter for any enrolled 19376  
student whose data verification code appears on the list 19377  
maintained by the department under division (A) of this section. 19378

Notwithstanding any provision of the Revised Code to the 19379  
contrary, the parent of any such student shall pay tuition to the 19380

internet- or computer-based community school in an amount equal to 19381  
the state funds the school otherwise would receive for that 19382  
student, as determined by the department. An internet- or 19383  
computer-based community school may withdraw any student for whom 19384  
the parent does not pay tuition as required by this division. 19385

**Sec. 3317.01.** As used in this section and section 3317.011 of 19386  
the Revised Code, "school district," unless otherwise specified, 19387  
means any city, local, exempted village, joint vocational, or 19388  
cooperative education school district and any educational service 19389  
center. 19390

This chapter shall be administered by the state board of 19391  
education. The superintendent of public instruction shall 19392  
calculate the amounts payable to each school district and shall 19393  
certify the amounts payable to each eligible district to the 19394  
treasurer of the district as provided by this chapter. As soon as 19395  
possible after such amounts are calculated, the superintendent 19396  
shall certify to the treasurer of each school district the 19397  
district's adjusted charge-off increase, as defined in section 19398  
5705.211 of the Revised Code. No moneys shall be distributed 19399  
pursuant to this chapter without the approval of the controlling 19400  
board. 19401

The state board of education shall, in accordance with 19402  
appropriations made by the general assembly, meet the financial 19403  
obligations of this chapter. 19404

Annually, the department of education shall calculate and 19405  
report to each school district the district's total state and 19406  
local funds for providing an adequate basic education to the 19407  
district's nonhandicapped students, utilizing the determination in 19408  
section 3317.012 of the Revised Code. In addition, the department 19409  
shall calculate and report separately for each school district the 19410  
district's total state and local funds for providing an adequate 19411

education for its handicapped students, utilizing the 19412  
determinations in both sections 3317.012 and 3317.013 of the 19413  
Revised Code. 19414

Not later than the thirty-first day of August of each fiscal 19415  
year, the department of education shall provide to each school 19416  
district and county MR/DD board a preliminary estimate of the 19417  
amount of funding that the department calculates the district will 19418  
receive under each of divisions (C)(1) and (4) of section 3317.022 19419  
of the Revised Code. No later than the first day of December of 19420  
each fiscal year, the department shall update that preliminary 19421  
estimate. 19422

Moneys distributed pursuant to this chapter shall be 19423  
calculated and paid on a fiscal year basis, beginning with the 19424  
first day of July and extending through the thirtieth day of June. 19425  
The moneys appropriated for each fiscal year shall be distributed 19426  
at least monthly to each school district unless otherwise provided 19427  
for. The state board shall submit a yearly distribution plan to 19428  
the controlling board at its first meeting in July. The state 19429  
board shall submit any proposed midyear revision of the plan to 19430  
the controlling board in January. Any year-end revision of the 19431  
plan shall be submitted to the controlling board in June. If 19432  
moneys appropriated for each fiscal year are distributed other 19433  
than monthly, such distribution shall be on the same basis for 19434  
each school district. 19435

The total amounts paid each month shall constitute, as nearly 19436  
as possible, one-twelfth of the total amount payable for the 19437  
entire year. 19438

~~Until fiscal year 2007, payments~~ Payments made during the 19439  
first six months of the fiscal year may be based on an estimate of 19440  
the amounts payable for the entire year. Payments made in the last 19441  
six months shall be based on the final calculation of the amounts 19442  
payable to each school district for that fiscal year. Payments 19443

made in the last six months may be adjusted, if necessary, to 19444  
correct the amounts distributed in the first six months, and to 19445  
reflect enrollment increases when such are at least three per 19446  
cent. 19447

~~Beginning in fiscal year 2007, payments shall be calculated 19448  
to reflect the biannual reporting of average daily membership. In 19449  
fiscal year 2007 and in each fiscal year thereafter, annualized 19450  
periodic payments for each school district shall be based on the 19451  
district's student counts certified pursuant to section 3317.03 of 19452  
the Revised Code as follows: 19453~~

~~the sum of one half of the number of students reported 19454  
for the first full week in October plus one half of the 19455  
average of the numbers reported for the first full week 19456  
in October and for the first full week in February 19457~~

Except as otherwise provided, payments under this chapter 19458  
shall be made only to those school districts in which: 19459

(A) The school district, except for any educational service 19460  
center and any joint vocational or cooperative education school 19461  
district, levies for current operating expenses at least twenty 19462  
mills. Levies for joint vocational or cooperative education school 19463  
districts or county school financing districts, limited to or to 19464  
the extent apportioned to current expenses, shall be included in 19465  
this qualification requirement. School district income tax levies 19466  
under Chapter 5748. of the Revised Code, limited to or to the 19467  
extent apportioned to current operating expenses, shall be 19468  
included in this qualification requirement to the extent 19469  
determined by the tax commissioner under division (D) of section 19470  
3317.021 of the Revised Code. 19471

(B) The school year next preceding the fiscal year for which 19472  
such payments are authorized meets the requirement of section 19473  
3313.48 or 3313.481 of the Revised Code, with regard to the 19474  
minimum number of days or hours school must be open for 19475

instruction with pupils in attendance, for individualized 19476  
parent-teacher conference and reporting periods, and for 19477  
professional meetings of teachers. This requirement shall be 19478  
waived by the superintendent of public instruction if it had been 19479  
necessary for a school to be closed because of disease epidemic, 19480  
hazardous weather conditions, inoperability of school buses or 19481  
other equipment necessary to the school's operation, damage to a 19482  
school building, or other temporary circumstances due to utility 19483  
failure rendering the school building unfit for school use, 19484  
provided that for those school districts operating pursuant to 19485  
section 3313.48 of the Revised Code the number of days the school 19486  
was actually open for instruction with pupils in attendance and 19487  
for individualized parent-teacher conference and reporting periods 19488  
is not less than one hundred seventy-five, or for those school 19489  
districts operating on a trimester plan the number of days the 19490  
school was actually open for instruction with pupils in attendance 19491  
not less than seventy-nine days in any trimester, for those school 19492  
districts operating on a quarterly plan the number of days the 19493  
school was actually open for instruction with pupils in attendance 19494  
not less than fifty-nine days in any quarter, or for those school 19495  
districts operating on a pentamester plan the number of days the 19496  
school was actually open for instruction with pupils in attendance 19497  
not less than forty-four days in any pentamester. 19498

A school district shall not be considered to have failed to 19499  
comply with this division or section 3313.481 of the Revised Code 19500  
because schools were open for instruction but either twelfth grade 19501  
students were excused from attendance for up to three days or only 19502  
a portion of the kindergarten students were in attendance for up 19503  
to three days in order to allow for the gradual orientation to 19504  
school of such students. 19505

The superintendent of public instruction shall waive the 19506  
requirements of this section with reference to the minimum number 19507

of days or hours school must be in session with pupils in 19508  
attendance for the school year succeeding the school year in which 19509  
a board of education initiates a plan of operation pursuant to 19510  
section 3313.481 of the Revised Code. The minimum requirements of 19511  
this section shall again be applicable to such a district 19512  
beginning with the school year commencing the second July 19513  
succeeding the initiation of one such plan, and for each school 19514  
year thereafter. 19515

A school district shall not be considered to have failed to 19516  
comply with this division or section 3313.48 or 3313.481 of the 19517  
Revised Code because schools were open for instruction but the 19518  
length of the regularly scheduled school day, for any number of 19519  
days during the school year, was reduced by not more than two 19520  
hours due to hazardous weather conditions. 19521

(C) The school district has on file, and is paying in 19522  
accordance with, a teachers' salary schedule which complies with 19523  
section 3317.13 of the Revised Code. 19524

A board of education or governing board of an educational 19525  
service center which has not conformed with other law and the 19526  
rules pursuant thereto, shall not participate in the distribution 19527  
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 19528  
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 19529  
and sufficient reason established to the satisfaction of the state 19530  
board of education and the state controlling board. 19531

All funds allocated to school districts under this chapter, 19532  
except those specifically allocated for other purposes, shall be 19533  
used to pay current operating expenses only. 19534

**Sec. 3317.012.** (A) The general assembly, having deliberated 19535  
on the model with which to calculate the base cost of an adequate 19536  
education per pupil, has made a policy decision to calculate that 19537  
amount as consisting of the following building blocks: 19538

(1) Base classroom teachers; 19539

(2) Other personnel support, which includes additional 19540  
teachers, such as music, arts, and physical education teachers 19541  
funded by state, local, or federal funds or other funds that are 19542  
above the base cost funding level, and other school personnel 19543  
including administrators; 19544

(3) Nonpersonnel support. 19545

This model reflects policy decisions made by the general 19546  
assembly concerning the cost of base classroom teachers, which 19547  
decisions entail two policy variables: the number of students per 19548  
base classroom teacher necessary for an adequate education and the 19549  
average compensation for a base classroom teacher necessary for an 19550  
adequate education. The model requires the general assembly to 19551  
decide the amount of other personnel support necessary for an 19552  
adequate education, ~~and increase that amount from year to year by~~ 19553  
~~the same percentage as it increases the average compensation for~~ 19554  
~~base classroom teachers.~~ The model finally requires the general 19555  
assembly to decide the nonpersonnel costs necessary for an 19556  
adequate education and to inflate the nonpersonnel costs from year 19557  
to year using the projected inflationary measure for the gross 19558  
domestic product deflator (all items) prepared by the bureau of 19559  
labor statistics of the United States department of labor. 19560

(B)(1) For fiscal year ~~2006~~ 2008, the general assembly has 19561  
resolved that a ratio of one base classroom teacher per twenty 19562  
students is necessary for an adequate education. The general 19563  
assembly has made a policy decision that the average compensation 19564  
for base classroom teachers is ~~\$53,680~~ \$56,754 for fiscal year 19565  
~~2006~~ 2008, which includes an amount for the value of fringe 19566  
benefits. For fiscal year ~~2007~~ 2009, the general assembly has 19567  
resolved that a ratio of one base classroom teacher per twenty 19568  
students is necessary for an adequate education. The general 19569  
assembly has made a policy decision that the average compensation 19570

for base classroom teachers is ~~\$54,941~~ \$58,621 for fiscal year 19571  
2009, which includes an amount for the value of fringe benefits. 19572  
Based on a ratio of twenty students per base classroom teacher, 19573  
these amounts equal ~~\$2,684~~ \$2,838 per pupil in fiscal year ~~2006~~ 19574  
2008 and ~~\$2,747~~ \$2,931 per pupil in fiscal year ~~2007~~ 2009. 19575

(2) The general assembly has made a policy decision that the 19576  
per pupil cost of salary and benefits of other personnel support 19577  
is ~~\$1,807~~ \$1,905 in fiscal year ~~2006~~ 2008. Based on the percentage 19578  
increase for the ~~average compensation of base classroom teachers~~ 19579  
per pupil cost of salary and benefits of other personnel support 19580  
from fiscal year ~~2006~~ 2007 to fiscal year ~~2007~~ 2008, the per pupil 19581  
cost of other personnel support is ~~\$1,850~~ \$1,962 in fiscal year 19582  
~~2007~~ 2009. 19583

(3) The general assembly has made a policy decision that the 19584  
per pupil cost of nonpersonnel support is ~~\$792~~ \$822 in fiscal year 19585  
~~2006~~ 2008 and ~~\$806~~ \$839 in fiscal year ~~2007~~ 2009. The amount for 19586  
fiscal year ~~2007~~ 2009 reflects the projected inflationary measure 19587  
for the gross domestic product deflator (all items) of ~~1.80%~~ 19588  
2.00%. 19589

(4) Based on the determinations specified in divisions (B)(1) 19590  
to (3) of this section, the per-pupil base cost is ~~\$5,283~~ \$5,565 19591  
in fiscal year ~~2006~~ 2008 and ~~\$5,403~~ \$5,732 in fiscal year ~~2007~~ 19592  
2009. 19593

(C) In addition to the per-pupil base cost as determined 19594  
under divisions (A) and (B) of this section, the general assembly 19595  
determines that the following base funding supplements shall be 19596  
paid to each school district: 19597

(1) Base funding for large-group academic intervention for 19598  
all students, based on 25 hours per group of students per year at 19599  
an hourly rate of ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 2008 and 19600  
~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009, as follows: 19601

large-group intervention units X 25 hours X hourly rate 19602

Where: 19603

(a) "Large-group intervention units" equals the district's 19604  
formula ADM divided by 20; 19605

(b) "Hourly rate" equals ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 19606  
2008 and ~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009. 19607

(2) Base funding for professional development, phased in 19608  
according to the following formula: 19609

district's teacher factor X 0.045 X 19610  
formula amount X phase-in percentage 19611

Where: 19612

(a) For each school district, the district's "teacher factor" 19613  
is the district's formula ADM divided by 17; 19614

(b) "Phase-in percentage" equals ~~0.25 in fiscal year 2006 and~~ 19615  
~~0.75 in fiscal year 2007.~~ 19616

(3) Base funding for data-based decision making, calculated 19617  
according to the following formula: 19618

0.001 X formula amount X formula ADM 19619

(4) Base funding for professional development regarding 19620  
data-based decision making, calculated according to the following 19621  
formula: 19622

(0.20 X the district's teacher factor X 0.08 X formula amount) + 19623  
(the district's principal factor X 19624  
0.08 X formula amount) 19625

Where: 19626

(a) For each school district, the district's "teacher factor" 19627  
is the district's formula ADM divided by 17; 19628

(b) For each school district, the district's "principal 19629  
factor" is the district's formula ADM divided by 340. 19630

(D) The general assembly intends that school districts spend the state funds calculated and paid for each component of the building blocks methodology described in divisions (B)(1) to (3) and (C)(1) to (4) of this section according to the purposes described in those divisions.

**Sec. 3317.013.** Except for a handicapped preschool child for whom a scholarship has been awarded under section 3310.41 of the Revised Code, this section does not apply to handicapped preschool students.

Analysis of special education cost data has resulted in a finding that the average special education additional cost per pupil, including the costs of related services, can be expressed as a multiple of the base cost per pupil calculated under section 3317.012 of the Revised Code. The multiples for the following categories of special education programs, as these programs are defined for purposes of Chapter 3323. of the Revised Code, and adjusted as provided in this section, are as follows:

(A) A multiple of 0.2892 for students whose primary or only identified handicap is a speech and language handicap, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(B) A multiple of 0.3691 for students identified as specific learning disabled or developmentally handicapped, as these terms are defined pursuant to Chapter 3323. of the Revised Code, or other health handicapped-minor;

(C) A multiple of 1.7695 for students identified as hearing handicapped, vision impaired, or severe behavior handicapped, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(D) A multiple of 2.3646 for students identified as orthopedically handicapped, as this term is defined pursuant to

Chapter 3323. of the Revised Code or other health handicapped - 19661  
major; 19662

(E) A multiple of 3.1129 for students identified as 19663  
multihandicapped, as this term is defined pursuant to Chapter 19664  
3323. of the Revised Code; 19665

(F) A multiple of 4.7342 for students identified as autistic, 19666  
having traumatic brain injuries, or as both visually and hearing 19667  
disabled, as these terms are defined pursuant to Chapter 3323. of 19668  
the Revised Code. 19669

In fiscal ~~year 2004~~ years 2008 and 2009, the multiples 19670  
specified in divisions (A) to (F) of this section ~~shall be~~ 19671  
~~adjusted by multiplying them by 0.88. In fiscal years 2005, 2006,~~ 19672  
~~and 2007, the multiples specified in those divisions shall be~~ 19673  
adjusted by multiplying them by 0.90. 19674

Not later than the thirtieth day of ~~May~~ December in ~~2004,~~ 19675  
~~2005, 2006, and 2007,~~ 2008, and 2009, the department of education 19676  
shall submit to the office of budget and management a report that 19677  
specifies for each city, local, exempted village, and joint 19678  
vocational school district the fiscal year allocation of the state 19679  
and local shares of special education and related services 19680  
additional weighted funding and federal special education funds 19681  
passed through to the district. 19682

Not later than January 31, 2009, and the thirty-first day of 19683  
January of each odd-numbered year thereafter, the department shall 19684  
prepare an analysis of whether the multiples specified in this 19685  
section continue to accurately reflect the cost of providing 19686  
special education, including the costs of related services, for 19687  
students in each of the respective categories of programs 19688  
specified in this section. 19689

**Sec. 3317.014.** The average vocational education additional 19690

cost per pupil can be expressed as a multiple of the base cost per pupil calculated under section 3317.012 of the Revised Code. ~~the~~ The multiples for the following categories of vocational education programs are as follows:

(A) A multiple of 0.57 for students enrolled in vocational education job-training and workforce development programs approved by the department of education in accordance with rules adopted under section 3313.90 of the Revised Code.

(B) A multiple of 0.28 for students enrolled in vocational education classes other than job-training and workforce development programs.

Vocational education associated services costs can be expressed as a multiple of 0.05 of the base cost per pupil calculated under section 3317.012 of the Revised Code.

~~The general assembly has adjusted the multiples specified in this section for calculating payments beginning in fiscal year 2002 in recognition that its policy change regarding the application of the cost of doing business factor produces a higher base cost amount than would exist if no change were made to its application. The adjustment maintains the same weighted costs as would exist if no change were made to the application of the cost of doing business factor.~~

~~The~~ By the thirtieth day of each December, the department of education shall ~~annually~~ report to the ~~governor~~ office of budget and management and the general assembly the amount of weighted funding for vocational education and associated services that ~~is~~ was spent by each city, local, exempted village, and joint vocational school district specifically for vocational educational and associated services during the previous fiscal year.

**Sec. 3317.015.** (A) In addition to the information certified

to the department of education and the office of budget and 19721  
management under division (A) of section 3317.021 of the Revised 19722  
Code, the tax commissioner shall, at the same time, certify the 19723  
following information to the department and the office of budget 19724  
and management for each city, exempted village, and local school 19725  
district to be used for the same purposes as described under that 19726  
division: 19727

(1) The taxable value of the school district's carryover 19728  
property, as defined in section 319.301 of the Revised Code, for 19729  
the preceding tax year; 19730

(2) The increase in such carryover value, if any, between the 19731  
second preceding tax year and the preceding tax year as used in 19732  
calculating the percentage reduction under section 319.301 of the 19733  
Revised Code. 19734

(B) For each fiscal year the department of education shall 19735  
calculate each school district's recognized valuation in the 19736  
following manner: 19737

(1) For a school district located in a county in which a 19738  
reappraisal or triennial update occurred in the preceding tax 19739  
year, the recognized valuation equals the district's total taxable 19740  
value for the preceding tax year minus two-thirds times the 19741  
increase in the carryover value from the second preceding tax year 19742  
to the preceding tax year. 19743

(2) For a school district located in a county in which a 19744  
reappraisal or triennial update occurred in the second preceding 19745  
tax year, the recognized valuation equals the district's total 19746  
taxable value for the preceding tax year minus one-third times the 19747  
increase in the carryover value from the third preceding tax year 19748  
to the second preceding tax year. 19749

(3) For a school district located in a county in which a 19750  
reappraisal or triennial update occurred in the third preceding 19751

tax year, the recognized valuation equals the district's total 19752  
taxable value for the preceding tax year. 19753

**Sec. 3317.016.** In addition to its form SF-3, or any successor 19754  
to that form, the department of education shall publish on its web 19755  
site a spreadsheet for each school district that specifies the 19756  
constituent components of the district's "building blocks" funds, 19757  
as follows: 19758

(A) For compensation of base classroom teachers, as described 19759  
in division (B)(1) of section 3317.012 of the Revised Code, each 19760  
spreadsheet shall specify the district's aggregate and per pupil 19761  
amounts of state funds and of combined state and local funds, the 19762  
average compensation decided by the general assembly for base 19763  
classroom teachers, as specified in that division, and the number 19764  
of base classroom teachers attributable to the district based on 19765  
the student-teacher ratio decided by the general assembly, as 19766  
specified in that division. 19767

(B) Each spreadsheet shall specify the district's aggregate 19768  
and per pupil amounts of state funds and of combined state and 19769  
local funds for each of the following: 19770

(1) Other personnel support, as described in division (B)(2) 19771  
of section 3317.012 of the Revised Code; 19772

(2) Nonpersonnel support, as described in division (B)(3) of 19773  
that section; 19774

(3) Academic intervention services, as described in division 19775  
(C)(1) of that section; 19776

(4) Professional development, as described in division (C)(2) 19777  
of that section; 19778

(5) Data-based decision making, as described in division 19779  
(C)(3) of that section; 19780

(6) Professional development for data-based decision making, 19781

as described in division (C)(4) of that section. 19782

(C) Each spreadsheet shall separately specify the district's 19783  
aggregate and per pupil state funds for each of the following 19784  
components of poverty-based assistance under section 3317.029 of 19785  
the Revised Code: 19786

~~(1) Poverty based assistance guarantee payment under division~~ 19787  
~~(B) of that section;~~ 19788

~~(2) Academic intervention funding under division (C) of that~~ 19789  
~~section;~~ 19790

~~(3)~~(2) All-day kindergarten under division (D) of that 19791  
section; 19792

~~(4) Class size reduction~~ (3) Increased classroom learning 19793  
opportunities under division (E) of that section; 19794

~~(5)~~(4) Services to limited English proficient students under 19795  
division (F) of that section; 19796

~~(6)~~(5) Professional development, under division (G) of that 19797  
section; 19798

~~(7)~~(6) Dropout prevention under division (H) of that section; 19799

~~(8)~~(7) Community outreach under division (I) of that section; 19800

(8) Assistance in closing the achievement gap under division 19801  
(J) of that section. 19802

**Sec. 3317.017.** (A) Not later than July 1, 2006, the 19803  
superintendent of public instruction shall adopt a rule under 19804  
which the superintendent may issue an order with respect to the 19805  
spending, by a school district declared to be under an academic 19806  
watch or in a state of academic emergency under section 3302.03 of 19807  
the Revised Code, of the following state building block funds 19808  
intended to pay instructional-related costs: 19809

(1) State funds for compensation of base classroom teachers, 19810

as described in division (B)(1) of section 3317.012 of the Revised Code; 19811  
19812

(2) State funds for academic intervention services under division (C)(1) of section 3317.012 and division (C) of section 3317.029 of the Revised Code; 19813  
19814  
19815

(3) State funds for professional development under divisions (C)(2) and (4) of section 3317.012 and division (G) of section 3317.029 of the Revised Code; 19816  
19817  
19818

(4) State funds for data based decision making under division (C)(3) of section 3317.012 of the Revised Code; 19819  
19820

~~(5) The poverty based assistance guarantee payment under division (B) of section 3317.029 of the Revised Code;~~ 19821  
19822

~~(6)~~ State funds for all-day kindergarten under division (D) of section 3317.029 of the Revised Code; 19823  
19824

~~(7)~~(6) State funds for class-size reduction increased classroom learning opportunities under division (E) of section 3317.029 of the Revised Code; 19825  
19826  
19827

~~(8)~~(7) State funds for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code; 19828  
19829  
19830

~~(9)~~(8) State funds for dropout prevention under division (H) of section 3317.029 of the Revised Code; 19831  
19832

~~(10)~~(9) State funds for community outreach under division (I) of section 3317.029 of the Revised Code; 19833  
19834

(10) State funds for assistance in closing the achievement gap under division (J) of section 3317.029 of the Revised Code. 19835  
19836

(B) The rule shall authorize the superintendent of public instruction to issue an order that does one or a combination of the following: 19837  
19838  
19839

(1) Requires the school district to periodically report to the superintendent of public instruction on its spending of the state funds paid for each building blocks component described in divisions (A)(1) to (10) of this section;

(2) Requires the district to establish a separate account for each of the building blocks components described in divisions (A)(1) to (10) of this section to which the district shall credit the state funds paid for each;

(3) Directs the district's spending of any or all of the state funds paid for the components described in divisions (A)(1) to (10) of this section in accordance with the descriptions and requirements of sections 3317.012 and 3317.029 of the Revised Code.

(C) The rule shall specify situations in which the superintendent may issue an order and the types of orders the superintendent will issue for each of those situations. The rule, however, shall authorize the superintendent to issue orders in situations that are not enumerated or described in the rule.

(D) The board of education of each school district to which the superintendent of public instruction issues an order pursuant to the rule adopted under this section shall comply with that order.

**Sec. 3317.02.** As used in this chapter:

(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.

(B) "Formula amount" means the base cost for the fiscal year specified in division (B)(4) of section 3317.012 of the Revised Code.

(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of

education pursuant to section 3317.03 of the Revised Code. In 19870  
adopting its rules under this division, the department shall 19871  
provide for counting any student in category one, two, three, 19872  
four, five, or six special education ADM or in category one or two 19873  
vocational education ADM in the same proportion the student is 19874  
counted in formula ADM. 19875

(D) "Formula ADM" means, for a city, local, or exempted 19876  
village school district, the final number verified by the 19877  
superintendent of public instruction, based on the number reported 19878  
pursuant to division (A) of section 3317.03 of the Revised Code, 19879  
~~and~~ as adjusted, if so ordered, under division (K) of that 19880  
section. "Formula ADM" means, for a joint vocational school 19881  
district, the final number verified by the superintendent of 19882  
public instruction, based on the number reported pursuant to 19883  
division (D) of section 3317.03 of the Revised Code. ~~Beginning in~~ 19884  
~~fiscal year 2007, for payments in which formula ADM is a factor,~~ 19885  
~~the formula ADM for each school district for the fiscal year is~~ 19886  
~~the sum of one half of the number reported for October of that~~ 19887  
~~fiscal year plus one half of the average of the numbers reported~~ 19888  
~~for October and February of that fiscal year, as adjusted, if so~~ 19889  
~~ordered, under division (K) of that section.~~ 19890

(E) "Three-year average formula ADM" means the average of 19891  
formula ADMs for the ~~current and~~ preceding ~~two~~ three fiscal years. 19892

(F)(1) "Category one special education ADM" means the average 19893  
daily membership of handicapped children receiving special 19894  
education services for the handicap specified in division (A) of 19895  
section 3317.013 of the Revised Code and reported under division 19896  
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 19897  
~~Beginning in fiscal year 2007, the district's category one special~~ 19898  
~~education ADM for a fiscal year is the sum of one half of the~~ 19899  
~~number reported for October of that fiscal year plus one half of~~ 19900  
~~the average of the numbers reported for October and February of~~ 19901

~~that fiscal year.~~ 19902

(2) "Category two special education ADM" means the average 19903  
daily membership of handicapped children receiving special 19904  
education services for those handicaps specified in division (B) 19905  
of section 3317.013 of the Revised Code and reported under 19906  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 19907  
Code. ~~Beginning in fiscal year 2007, the district's category two~~ 19908  
~~special education ADM for a fiscal year is the sum of one half of~~ 19909  
~~the number reported for October of that fiscal year plus one half~~ 19910  
~~of the average of the numbers reported for October and February of~~ 19911  
~~that fiscal year.~~ 19912

(3) "Category three special education ADM" means the average 19913  
daily membership of students receiving special education services 19914  
for those handicaps specified in division (C) of section 3317.013 19915  
of the Revised Code, and reported under division (B)(7) or 19916  
(D)(2)(d) of section 3317.03 of the Revised Code. ~~Beginning in~~ 19917  
~~fiscal year 2007, the district's category three special education~~ 19918  
~~ADM for a fiscal year is the sum of one half of the number~~ 19919  
~~reported for October of that fiscal year plus one half of the~~ 19920  
~~average of the numbers reported for October and February of that~~ 19921  
~~fiscal year.~~ 19922

(4) "Category four special education ADM" means the average 19923  
daily membership of students receiving special education services 19924  
for those handicaps specified in division (D) of section 3317.013 19925  
of the Revised Code and reported under division (B)(8) or 19926  
(D)(2)(e) of section 3317.03 of the Revised Code. ~~Beginning in~~ 19927  
~~fiscal year 2007, the district's category four special education~~ 19928  
~~ADM for a fiscal year is the sum of one half of the number~~ 19929  
~~reported for October of that fiscal year plus one half of the~~ 19930  
~~average of the numbers reported for October and February of that~~ 19931  
~~fiscal year.~~ 19932

(5) "Category five special education ADM" means the average 19933

daily membership of students receiving special education services 19934  
for the handicap specified in division (E) of section 3317.013 of 19935  
the Revised Code and reported under division (B)(9) or (D)(2)(f) 19936  
of section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19937  
~~2007, the district's category five special education ADM for a~~ 19938  
~~fiscal year is the sum of one half of the number reported for~~ 19939  
~~October of that fiscal year plus one half of the average of the~~ 19940  
~~numbers reported for October and February of that fiscal year.~~ 19941

(6) "Category six special education ADM" means the average 19942  
daily membership of students receiving special education services 19943  
for the handicap specified in division (F) of section 3317.013 of 19944  
the Revised Code and reported under division (B)(10) or (D)(2)(g) 19945  
of section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19946  
~~2007, the district's category six special education ADM for a~~ 19947  
~~fiscal year is the sum of one half of the number reported for~~ 19948  
~~October of that fiscal year plus one half of the average of the~~ 19949  
~~numbers reported for October and February of that fiscal year.~~ 19950

(7) "Category one vocational education ADM" means the average 19951  
daily membership of students receiving vocational education 19952  
services described in division (A) of section 3317.014 of the 19953  
Revised Code and reported under division (B)(11) or (D)(2)(h) of 19954  
section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19955  
~~2007, the district's category one vocational education ADM for a~~ 19956  
~~fiscal year is the sum of one half of the number reported for~~ 19957  
~~October of that fiscal year plus one half of the average of the~~ 19958  
~~numbers reported for October and February of that fiscal year.~~ 19959

(8) "Category two vocational education ADM" means the average 19960  
daily membership of students receiving vocational education 19961  
services described in division (B) of section 3317.014 of the 19962  
Revised Code and reported under division (B)(12) or (D)(2)(i) of 19963  
section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19964  
~~2007, the district's category two vocational education ADM for a~~ 19965

~~fiscal year is the sum of one half of the number reported for 19966  
October of that fiscal year plus one half of the average of the 19967  
numbers reported for October and February of that fiscal year. 19968~~

(G) "Handicapped preschool child" means a handicapped child, 19969  
as defined in section 3323.01 of the Revised Code, who is at least 19970  
age three but is not of compulsory school age, as defined in 19971  
section 3321.01 of the Revised Code, and who is not currently 19972  
enrolled in kindergarten. 19973

(H) "County MR/DD board" means a county board of mental 19974  
retardation and developmental disabilities. 19975

(I) "Recognized valuation" means the amount calculated for a 19976  
school district pursuant to section 3317.015 of the Revised Code. 19977

~~(J) "Transportation ADM" means the number of children 19978  
reported under division (B)(13) of section 3317.03 of the Revised 19979  
Code. 19980~~

~~(K) "Average efficient transportation use cost per student" 19981  
means a statistical representation of transportation costs as 19982  
calculated under division (D)(2) of section 3317.022 of the 19983  
Revised Code. 19984~~

~~(L) "Taxes charged and payable" means the taxes charged and 19985  
payable against real and public utility property after making the 19986  
reduction required by section 319.301 of the Revised Code, plus 19987  
the taxes levied against tangible personal property. 19988~~

~~(M)(K) "Total taxable value" means the sum of the amounts 19989  
certified for a city, local, exempted village, or joint vocational 19990  
school district under divisions (A)(1) and (2) of section 3317.021 19991  
of the Revised Code. 19992~~

~~(N) "Cost of doing business factor" means the amount 19993  
indicated in division (N)(1) or (2) of this section for the county 19994  
in which a city, local, exempted village, or joint vocational 19995~~

~~school district is located. If a city, local, or exempted village 19996  
 school district is located in more than one county, the factor is 19997  
 the amount indicated for the county to which the district is 19998  
 assigned by the state department of education. If a joint 19999  
 vocational school district is located in more than one county, the 20000  
 factor is the amount indicated for the county in which the joint 20001  
 vocational school with the greatest formula ADM operated by the 20002  
 district is located. 20003~~

~~(1) In fiscal year 2006, the cost of doing business factor 20004  
 for each county is: 20005~~

<del>COST OF DOING BUSINESS</del>		20006
<del>COUNTY</del>	<del>FACTOR AMOUNT</del>	20007
Adams	1.00233	20008
Allen	1.01373	20009
Ashland	1.01980	20010
Ashtabula	1.02647	20011
Athens	1.00093	20012
Auglaize	1.01647	20013
Belmont	1.00427	20014
Brown	1.01180	20015
Butler	1.04307	20016
Carroll	1.00913	20017
Champaign	1.02973	20018
Clark	1.02980	20019
Clermont	1.03607	20020
Clinton	1.02193	20021
Columbiana	1.01427	20022
Coshocton	1.01153	20023
Crawford	1.01093	20024
Cuyahoga	1.04173	20025
Darke	1.02253	20026
Defiance	1.00973	20027

Delaware	1.03520	20028
Erie	1.02587	20029
Fairfield	1.02440	20030
Fayette	1.02127	20031
Franklin	1.04053	20032
Fulton	1.0220	20033
Gallia	1.00000	20034
Geauga	1.03340	20035
Greene	1.02960	20036
Guernsey	1.00440	20037
Hamilton	1.05000	20038
Hancock	1.01433	20039
Hardin	1.02373	20040
Harrison	1.00493	20041
Henry	1.02120	20042
Highland	1.00987	20043
Hocking	1.01253	20044
Holmes	1.01187	20045
Huron	1.01953	20046
Jackson	1.00920	20047
Jefferson	1.00487	20048
Knox	1.01860	20049
Lake	1.03493	20050
Lawrence	1.00540	20051
Licking	1.02540	20052
Logan	1.02567	20053
Lorain	1.03433	20054
Lucas	1.02600	20055
Madison	1.03253	20056
Mahoning	1.02307	20057
Marion	1.02040	20058
Medina	1.03573	20059
Meigs	1.00173	20060

Mercer	1.01353	20061
Miami	1.02740	20062
Monroe	1.00333	20063
Montgomery	1.03020	20064
Morgan	1.00593	20065
Morrow	1.02007	20066
Muskingum	1.00847	20067
Noble	1.00487	20068
Ottawa	1.03240	20069
Paulding	1.00767	20070
Perry	1.01067	20071
Pickaway	1.02607	20072
Pike	1.00687	20073
Portage	1.03147	20074
Preble	1.02947	20075
Putnam	1.01440	20076
Richland	1.01327	20077
Ross	1.01007	20078
Sandusky	1.02140	20079
Scioto	1.00080	20080
Seneca	1.01487	20081
Shelby	1.01853	20082
Stark	1.01700	20083
Summit	1.03613	20084
Trumbull	1.02340	20085
Tuscarawas	1.00593	20086
Union	1.03333	20087
Van Wert	1.00887	20088
Vinton	1.00633	20089
Warren	1.04387	20090
Washington	1.00400	20091
Wayne	1.02320	20092
Williams	1.01520	20093

Wood	1.02400	20094
Wyandot	1.01140	20095

~~(2) In fiscal year 2007, the cost of doing business factor for each county is:~~ 20096  
 20097

~~COST OF DOING BUSINESS~~ 20098

<del>COUNTY</del>	<del>FACTOR AMOUNT</del>	
<del>Adams</del>	<del>1.00117</del>	20100
<del>Allen</del>	<del>1.00687</del>	20101
<del>Ashland</del>	<del>1.00990</del>	20102
<del>Ashtabula</del>	<del>1.01323</del>	20103
<del>Athens</del>	<del>1.00047</del>	20104
<del>Auglaize</del>	<del>1.00823</del>	20105
<del>Belmont</del>	<del>1.00213</del>	20106
<del>Brown</del>	<del>1.00590</del>	20107
<del>Butler</del>	<del>1.02153</del>	20108
<del>Carroll</del>	<del>1.00457</del>	20109
<del>Champaign</del>	<del>1.01487</del>	20110
<del>Clark</del>	<del>1.01490</del>	20111
<del>Clermont</del>	<del>1.01803</del>	20112
<del>Clinton</del>	<del>1.01097</del>	20113
<del>Columbiana</del>	<del>1.00713</del>	20114
<del>Coshocton</del>	<del>1.00577</del>	20115
<del>Crawford</del>	<del>1.00547</del>	20116
<del>Cuyahoga</del>	<del>1.02087</del>	20117
<del>Darke</del>	<del>1.01127</del>	20118
<del>Defiance</del>	<del>1.00487</del>	20119
<del>Delaware</del>	<del>1.01760</del>	20120
<del>Erie</del>	<del>1.01293</del>	20121
<del>Fairfield</del>	<del>1.01220</del>	20122
<del>Fayette</del>	<del>1.01063</del>	20123
<del>Franklin</del>	<del>1.02027</del>	20124
<del>Fulton</del>	<del>1.01100</del>	20125
<del>Gallia</del>	<del>1.00000</del>	20126

Geauga	1.01670	20127
Greene	1.01480	20128
Guernsey	1.00220	20129
Hamilton	1.02500	20130
Hancock	1.00717	20131
Hardin	1.01187	20132
Harrison	1.00247	20133
Henry	1.01060	20134
Highland	1.00493	20135
Hocking	1.00627	20136
Holmes	1.00593	20137
Huron	1.00977	20138
Jackson	1.00460	20139
Jefferson	1.00243	20140
Knox	1.00930	20141
Lake	1.01747	20142
Lawrence	1.00270	20143
Licking	1.01270	20144
Logan	1.01283	20145
Lorain	1.01717	20146
Lucas	1.01300	20147
Madison	1.01627	20148
Mahoning	1.01153	20149
Marion	1.01020	20150
Medina	1.01787	20151
Meigs	1.00087	20152
Mercer	1.00677	20153
Miami	1.01370	20154
Monroe	1.00167	20155
Montgomery	1.01510	20156
Morgan	1.00297	20157
Morrow	1.01003	20158
Muskingum	1.00423	20159

Noble	<del>1.00243</del>	20160
Ottawa	<del>1.01620</del>	20161
Paulding	<del>1.00383</del>	20162
Perry	<del>1.00533</del>	20163
Pickaway	<del>1.01303</del>	20164
Pike	<del>1.00343</del>	20165
Portage	<del>1.01573</del>	20166
Preble	<del>1.01473</del>	20167
Putnam	<del>1.00720</del>	20168
Richland	<del>1.00663</del>	20169
Ross	<del>1.00503</del>	20170
Sandusky	<del>1.01070</del>	20171
Scioto	<del>1.00040</del>	20172
Seneca	<del>1.00743</del>	20173
Shelby	<del>1.00927</del>	20174
Stark	<del>1.00850</del>	20175
Summit	<del>1.01807</del>	20176
Trumbull	<del>1.01170</del>	20177
Tuscarawas	<del>1.00297</del>	20178
Union	<del>1.01667</del>	20179
Van Wert	<del>1.00443</del>	20180
Vinton	<del>1.00317</del>	20181
Warren	<del>1.02193</del>	20182
Washington	<del>1.00200</del>	20183
Wayne	<del>1.01160</del>	20184
Williams	<del>1.00760</del>	20185
Wood	<del>1.01200</del>	20186
Wyandot	<del>1.00570</del>	20187

~~(O)~~(L) "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)~~(M) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt

value of the district. 20193

~~(Q)~~(N) "District median income" means the median Ohio 20194  
adjusted gross income certified for a school district. On or 20195  
before the first day of July of each year, the tax commissioner 20196  
shall certify to the department of education and the office of 20197  
budget and management for each city, exempted village, and local 20198  
school district the median Ohio adjusted gross income of the 20199  
residents of the school district determined on the basis of tax 20200  
returns filed for the second preceding tax year by the residents 20201  
of the district. 20202

~~(R)~~(O) "Statewide median income" means the median district 20203  
median income of all city, exempted village, and local school 20204  
districts in the state. 20205

~~(S)~~(P) "Income factor" for a city, exempted village, or local 20206  
school district means the quotient obtained by dividing that 20207  
district's median income by the statewide median income. 20208

~~(T)~~(Q) "Medically fragile child" means a child to whom all of 20209  
the following apply: 20210

(1) The child requires the services of a doctor of medicine 20211  
or osteopathic medicine at least once a week due to the 20212  
instability of the child's medical condition. 20213

(2) The child requires the services of a registered nurse on 20214  
a daily basis. 20215

(3) The child is at risk of institutionalization in a 20216  
hospital, skilled nursing facility, or intermediate care facility 20217  
for the mentally retarded. 20218

~~(U)~~(R) A child may be identified as "other health 20219  
handicapped-major" if the child's condition meets the definition 20220  
of "other health impaired" established in rules adopted by the 20221  
state board of education prior to July 1, 2001, and if either of 20222

the following apply: 20223

(1) The child is identified as having a medical condition 20224  
that is among those listed by the superintendent of public 20225  
instruction as conditions where a substantial majority of cases 20226  
fall within the definition of "medically fragile child." The 20227  
superintendent of public instruction shall issue an initial list 20228  
no later than September 1, 2001. 20229

(2) The child is determined by the superintendent of public 20230  
instruction to be a medically fragile child. A school district 20231  
superintendent may petition the superintendent of public 20232  
instruction for a determination that a child is a medically 20233  
fragile child. 20234

~~(V)~~(S) A child may be identified as "other health 20235  
handicapped-minor" if the child's condition meets the definition 20236  
of "other health impaired" established in rules adopted by the 20237  
state board of education prior to July 1, 2001, but the child's 20238  
condition does not meet either of the conditions specified in 20239  
division ~~(U)~~(R)(1) or (2) of this section. 20240

~~(W)~~ "SF 3 payment" means the sum of the payments to a school 20241  
district in a fiscal year under divisions (A), (C)(1), (C)(4), 20242  
~~(D), (E), and (F) of section 3317.022, divisions (G), (L), and (N)~~ 20243  
~~of section 3317.024, and sections 3317.029, 3317.0216, 3317.0217,~~ 20244  
~~3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after~~ 20245  
~~making the adjustments required by sections 3313.981 and 3313.979~~ 20246  
~~of the Revised Code, divisions (B), (C), (D), (E), (K), (L), (M),~~ 20247  
~~(N), and (O) of section 3317.023, and division (C) of section~~ 20248  
3317.20 (T) "State education aid" has the same meaning as in 20249  
section 5751.20 of the Revised Code. 20250

~~(X)~~(U) "Property exemption value" means zero in fiscal year 20251  
2006, and in fiscal year 2007 and each fiscal year thereafter, the 20252  
amount certified for a school district under divisions (A)(6) and 20253

(7) of section 3317.021 of the Revised Code. 20254

(V) "Internet- or computer-based community school" has the 20255  
same meaning as in section 3314.02 of the Revised Code. 20256

**Sec. 3317.021.** (A) On or before the first day of June of each 20257  
year, the tax commissioner shall certify to the department of 20258  
education and the office of budget and management the information 20259  
described in divisions (A)(1) to (8) of this section for each 20260  
city, exempted village, and local school district, and the 20261  
information required by divisions (A)(1) and (2) of this section 20262  
for each joint vocational school district, and it shall be used, 20263  
along with the information certified under division (B) of this 20264  
section, in making the computations for the district under 20265  
sections 3317.022, 3317.0216, and 3317.0217 or section 3317.16 of 20266  
the Revised Code. 20267

(1) The taxable value of real and public utility real 20268  
property in the school district subject to taxation in the 20269  
preceding tax year, by class and by county of location. 20270

(2) The taxable value of tangible personal property, 20271  
including public utility personal property, subject to taxation by 20272  
the district for the preceding tax year. 20273

(3)(a) The total property tax rate and total taxes charged 20274  
and payable for the current expenses for the preceding tax year 20275  
and the total property tax rate and the total taxes charged and 20276  
payable to a joint vocational district for the preceding tax year 20277  
that are limited to or to the extent apportioned to current 20278  
expenses. 20279

(b) The portion of the amount of taxes charged and payable 20280  
reported for each city, local, and exempted village school 20281  
district under division (A)(3)(a) of this section attributable to 20282  
a joint vocational school district. 20283

(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:

(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;

(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.

(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available.

(6) The sum of the school district compensation value as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code as if such property had been assessed for taxation that year and the other compensation value for the school district, minus the amounts described in divisions (A)(6)(c) to (i) of this section. The portion of school district compensation value or other compensation value attributable to an incentive district exemption may be subtracted only once even if that incentive district satisfies more than one of the criteria in divisions (A)(6)(c) to (i) of this section.

(a) "School district compensation value" means the aggregate value of real property in the school district exempted from taxation pursuant to an ordinance or resolution adopted under division (C) of section 5709.40, division (C) of section 5709.73, or division (B) of section 5709.78 of the Revised Code to the extent that the exempted value results in the charging of payments

in lieu of taxes required to be paid to the school district under 20315  
division (D)(1) or (2) of section 5709.40, division (D) of section 20316  
5709.73, or division (C) of section 5709.78 of the Revised Code. 20317

(b) "Other compensation value" means the quotient that 20318  
results from dividing (i) the dollar value of compensation 20319  
received by the school district during the preceding tax year 20320  
pursuant to division (B), (C), or (D) of section 5709.82 of the 20321  
Revised Code and the amounts received pursuant to an agreement as 20322  
specified in division (D)(2) of section 5709.40, division (D) of 20323  
section 5709.73, or division (C) of section 5709.78 of the Revised 20324  
Code to the extent those amounts were not previously reported or 20325  
included in division (A)(6)(a) of this section, and so that any 20326  
such amount is reported only once under division (A)(6)(b) of this 20327  
section, in relation to exemptions from taxation granted pursuant 20328  
to an ordinance or resolution adopted under division (C) of 20329  
section 5709.40, division (C) of section 5709.73, or division (B) 20330  
of section 5709.78 of the Revised Code, by (ii) the real property 20331  
tax rate in effect for the preceding tax year for 20332  
nonresidential/agricultural real property after making the 20333  
reductions required by section 319.301 of the Revised Code. 20334

(c) The portion of school district compensation value or 20335  
other compensation value that was exempted from taxation pursuant 20336  
to such an ordinance or resolution for the preceding tax year, if 20337  
the ordinance or resolution is adopted prior to January 1, 2006, 20338  
and the legislative authority or board of township trustees or 20339  
county commissioners, prior to January 1, 2006, executes a 20340  
contract or agreement with a developer, whether for-profit or 20341  
not-for-profit, with respect to the development of a project 20342  
undertaken or to be undertaken and identified in the ordinance or 20343  
resolution, and upon which parcels such project is being, or will 20344  
be, undertaken; 20345

(d) The portion of school district compensation value that 20346

was exempted from taxation for the preceding tax year and for 20347  
which payments in lieu of taxes for the preceding tax year were 20348  
provided to the school district under division (D)(1) of section 20349  
5709.40 of the Revised Code. 20350

(e) The portion of school district compensation value that 20351  
was exempted from taxation for the preceding tax year pursuant to 20352  
such an ordinance or resolution, if and to the extent that, on or 20353  
before April 1, 2006, the fiscal officer of the municipal 20354  
corporation that adopted the ordinance, or of the township or 20355  
county that adopted the resolution, certifies and provides 20356  
appropriate supporting documentation to the tax commissioner and 20357  
the director of development that, based on hold-harmless 20358  
provisions in any agreement between the school district and the 20359  
legislative authority of the municipal corporation, board of 20360  
township trustees, or board of county commissioners that was 20361  
entered into on or before June 1, 2005, the ability or obligation 20362  
of the municipal corporation, township, or county to repay bonds, 20363  
notes, or other financial obligations issued or entered into prior 20364  
to January 1, 2006, will be impaired, including obligations to or 20365  
of any other body corporate and politic with whom the legislative 20366  
authority of the municipal corporation or board of township 20367  
trustees or county commissioners has entered into an agreement 20368  
pertaining to the use of service payments derived from the 20369  
improvements exempted; 20370

(f) The portion of school district compensation value that 20371  
was exempted from taxation for the preceding tax year pursuant to 20372  
such an ordinance or resolution, if the ordinance or resolution is 20373  
adopted prior to January 1, 2006, in a municipal corporation with 20374  
a population that exceeds one hundred thousand, as shown by the 20375  
most recent federal decennial census, that includes a major 20376  
employment center and that is adjacent to historically distressed 20377  
neighborhoods, if the legislative authority of the municipal 20378

corporation that exempted the property prepares an economic 20379  
analysis that demonstrates that all taxes generated within the 20380  
incentive district accruing to the state by reason of improvements 20381  
constructed within the district during its existence exceed the 20382  
amount the state pays the school district under section 3317.022 20383  
of the Revised Code attributable to such property exemption from 20384  
the school district's recognized valuation. The analysis shall be 20385  
submitted to and approved by the department of development prior 20386  
to January 1, 2006, and the department shall not unreasonably 20387  
withhold approval. 20388

(g) The portion of school district compensation value that 20389  
was exempted from taxation for the preceding tax year under such 20390  
an ordinance or resolution, if the ordinance or resolution is 20391  
adopted prior to January 1, 2006, and if service payments have 20392  
been pledged to be used for mixed-use riverfront entertainment 20393  
development in any county with a population that exceeds six 20394  
hundred thousand, as shown by the most recent federal decennial 20395  
census; 20396

(h) The portion of school district compensation value that 20397  
was exempted from taxation for the preceding tax year under such 20398  
an ordinance or resolution, if, prior to January 1, 2006, the 20399  
legislative authority of a municipal corporation, board of 20400  
township trustees, or board of county commissioners has pledged 20401  
service payments for a designated transportation capacity project 20402  
approved by the transportation review advisory council under 20403  
Chapter 5512. of the Revised Code; 20404

(i) The portion of school district compensation value that 20405  
was exempted from taxation for the preceding tax year under such 20406  
an ordinance or resolution if the legislative authority of a 20407  
municipal corporation, board of township trustees, or board of 20408  
county commissioners have, by January 1, 2006, pledged proceeds 20409  
for designated transportation improvement projects that involve 20410

federal funds for which the proceeds are used to meet a local 20411  
share match requirement for such funding. 20412

As used in division (A)(6) of this section, "project" has the 20413  
same meaning as in section 5709.40 of the Revised Code. 20414

(7) The aggregate value of real property in the school 20415  
district for which an exemption from taxation is granted by an 20416  
ordinance or resolution adopted on or after January 1, 2006, under 20417  
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 20418  
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 20419  
Code, as indicated on the list of exempted property for the 20420  
preceding tax year under section 5713.08 of the Revised Code and 20421  
as if such property had been assessed for taxation that year, 20422  
minus the product determined by multiplying (a) the aggregate 20423  
value of the real property in the school district exempted from 20424  
taxation for the preceding tax year under any of the chapters or 20425  
sections specified in this division, by (b) a fraction, the 20426  
numerator of which is the difference between (i) the amount of 20427  
anticipated revenue such school district would have received for 20428  
the preceding tax year if the real property exempted from taxation 20429  
had not been exempted from taxation and (ii) the aggregate amount 20430  
of payments in lieu of taxes on the exempt real property for the 20431  
preceding tax year and other compensation received for the 20432  
preceding tax year by the school district pursuant to any 20433  
agreements entered into on or after January 1, 2006, under section 20434  
5709.82 of the Revised Code between the school district and the 20435  
legislative authority of a political subdivision that acted under 20436  
the authority of a chapter or statute specified in this division, 20437  
that were entered into in relation to such exemption, and the 20438  
denominator of which is the amount of anticipated revenue such 20439  
school district would have received in the preceding fiscal year 20440  
if the real property exempted from taxation had not been exempted. 20441

(8) For each school district receiving payments under 20442

division (B) or (C) of section 3317.0216 of the Revised Code 20443  
during the current fiscal year, as included on the most recent 20444  
list of such districts sent to the tax commissioner under division 20445  
(F) of that section, the following: 20446

(a) The portion of the total amount of taxes charged and 20447  
payable for current expenses certified under division (A)(3)(a) of 20448  
this section that is attributable to each new levy approved and 20449  
charged in the preceding tax year and the respective tax rate of 20450  
each of those new levies; 20451

(b) The portion of the total taxes collected for current 20452  
expenses under a school district income tax adopted pursuant to 20453  
section 5748.03 or 5748.08 of the Revised Code, as certified under 20454  
division (A)(2) of section 3317.08 of the Revised Code, that is 20455  
attributable to each new school district income tax first 20456  
effective in the current taxable year or in the preceding taxable 20457  
year. 20458

(B) On or before the first day of May each year, the tax 20459  
commissioner shall certify to the department of education and the 20460  
office of budget and management the total taxable real property 20461  
value of railroads and, separately, the total taxable tangible 20462  
personal property value of all public utilities for the preceding 20463  
tax year, by school district and by county of location. 20464

(C) If a public utility has properly and timely filed a 20465  
petition for reassessment under section 5727.47 of the Revised 20466  
Code with respect to an assessment issued under section 5727.23 of 20467  
the Revised Code affecting taxable property apportioned by the tax 20468  
commissioner to a school district, the taxable value of public 20469  
utility tangible personal property included in the certification 20470  
under divisions (A)(2) and (B) of this section for the school 20471  
district shall include only the amount of taxable value on the 20472  
basis of which the public utility paid tax for the preceding year 20473  
as provided in division (B)(1) or (2) of section 5727.47 of the 20474

Revised Code. 20475

(D) If on the basis of the information certified under 20476  
division (A) of this section, the department determines that any 20477  
district fails in any year to meet the qualification requirement 20478  
specified in division (A) of section 3317.01 of the Revised Code, 20479  
the department shall immediately request the tax commissioner to 20480  
determine the extent to which any school district income tax 20481  
levied by the district under Chapter 5748. of the Revised Code 20482  
shall be included in meeting that requirement. Within five days of 20483  
receiving such a request from the department, the tax commissioner 20484  
shall make the determination required by this division and report 20485  
the quotient obtained under division (D)(3) of this section to the 20486  
department and the office of budget and management. This quotient 20487  
represents the number of mills that the department shall include 20488  
in determining whether the district meets the qualification 20489  
requirement of division (A) of section 3317.01 of the Revised 20490  
Code. 20491

The tax commissioner shall make the determination required by 20492  
this division as follows: 20493

(1) Multiply one mill times the total taxable value of the 20494  
district as determined in divisions (A)(1) and (2) of this 20495  
section; 20496

(2) Estimate the total amount of tax liability for the 20497  
current tax year under taxes levied by Chapter 5748. of the 20498  
Revised Code that are apportioned to current operating expenses of 20499  
the district; 20500

(3) Divide the amount estimated under division (D)(2) of this 20501  
section by the product obtained under division (D)(1) of this 20502  
section. 20503

(E)(1) On or before June 1, 2006, and the first day of April 20504  
of each year thereafter, the director of development shall report 20505

to the department of education ~~and~~, the tax commissioner, and the 20506  
director of budget and management the total amounts of payments 20507  
received by each city, local, exempted village, or joint 20508  
vocational school district for the preceding tax year pursuant to 20509  
division (D) of section 5709.40, division (D) of section 5709.73, 20510  
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 20511  
or (D) of section 5709.82 of the Revised Code in relation to 20512  
exemptions from taxation granted pursuant to an ordinance adopted 20513  
by the legislative authority of a municipal corporation under 20514  
division (C) of section 5709.40 of the Revised Code, or a 20515  
resolution adopted by a board of township trustees or board of 20516  
county commissioners under division (C) of section 5709.73 or 20517  
division (B) of section 5709.78 of the Revised Code, respectively. 20518  
On or before April 1, 2006, and the first day of March of each 20519  
year thereafter, the treasurer of each city, local, exempted 20520  
village, or joint vocational school district that has entered into 20521  
such an agreement shall report to the director of development the 20522  
total amounts of such payments the district received for the 20523  
preceding tax year as provided in this section. The state board of 20524  
education, in accordance with sections 3319.31 and 3319.311 of the 20525  
Revised Code, may suspend or revoke the license of a treasurer 20526  
found to have willfully reported erroneous, inaccurate, or 20527  
incomplete data under this division. 20528

(2) On or before April 1, 2007, and the first day of April of 20529  
each year thereafter, the director of development shall report to 20530  
the department of education ~~and to~~, the tax commissioner, and the 20531  
director of budget and management the total amounts of payments 20532  
received by each city, local, exempted village, or joint 20533  
vocational school district for the preceding tax year pursuant to 20534  
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 20535  
in relation to exemptions from taxation granted pursuant to 20536  
ordinances or resolutions adopted on or after January 1, 2006, 20537  
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 20538

section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code. On or before March 1, 2007, and the first day of March of each year thereafter, the treasurer of each city, local, exempted village, or joint vocational school district that has entered into such an agreement shall report to the director of development the total amounts of such payments the district received for the preceding tax year as provided by this section. The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke the license of a treasurer found to have willfully reported erroneous, inaccurate, or incomplete data under this division.

**Sec. 3317.022.** (A)(1) The department of education shall compute and distribute state base cost funding to each eligible school district for the fiscal year using the ~~information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins.~~

~~(1) Compute the following for each eligible district formula:~~  
    ~~{[~~cost of doing business factor X~~~~  
        the formula amount X (formula ADM +  
          preschool scholarship ADM)] +  
    the sum of the base funding supplements  
        prescribed in divisions (C)(1) to (4)  
of section 3317.012 of the Revised Code} -  
    [.023 x (the sum of recognized valuation  
        and property exemption value)]  $\pm$   
    the amounts calculated for the district under  
    sections 3317.029 and 3317.0217 of the Revised Code

If the difference obtained is a negative number, the district's computation shall be zero.

~~(2) Compute both of the following for each school district:~~

~~(a) The difference of (i) the district's fiscal year 2005~~

~~base cost payment under the version of division (A)(1) of this section in effect in fiscal year 2005, minus (ii) the amount computed for the district for the current fiscal year under current division (A)(1) of this section;~~ 20570  
20571  
20572  
20573

~~(b) The following amount:~~ 20574

~~{(fiscal year 2005 base cost payment/fiscal~~ 20575

~~year 2005 formula ADM) X~~ 20576

~~(current year formula ADM + preschool scholarship ADM)}~~ 20577

~~minus the amount computed for the district~~ 20578

~~under current division (A)(1) of this section~~ 20579

~~If one of the amounts computed under division (A)(2)(a) or~~ 20580

~~(b) of this section is a positive amount, the department shall pay~~ 20581

~~the district that amount in addition to the amount calculated~~ 20582

~~under division (A)(1) of this section. If both amounts are~~ 20583

~~positive amounts, the department shall pay the district the lesser~~ 20584

~~of the two amounts in addition to the amount calculated under~~ 20585

~~division (A)(1) of this section.~~ 20586

~~(3)(a) For each school district for which the tax exempt~~ 20587

~~value of the district equals or exceeds twenty-five per cent of~~ 20588

~~the potential value of the district, the department of education~~ 20589

~~shall calculate the difference between the district's tax exempt~~ 20590

~~value and twenty-five per cent of the district's potential value.~~ 20591

~~(b) For each school district to which division (A)~~(3)~~(2)(a)~~ 20592

~~of this section applies, the department shall adjust the~~ 20593

~~recognized valuation used in the calculation under division (A)(1)~~ 20594

~~of this section by subtracting from it the amount calculated under~~ 20595

~~division (A)~~(3)~~(2)(a) of this section.~~ 20596

~~(B) As used in this section:~~ 20597

~~(1) The "total special education weight" for a district means~~ 20598

~~the sum of the following amounts:~~ 20599

~~(a) The district's category one special education ADM~~ 20600

multiplied by the multiple specified in division (A) of section 20601  
3317.013 of the Revised Code; 20602

(b) The district's category two special education ADM 20603  
multiplied by the multiple specified in division (B) of section 20604  
3317.013 of the Revised Code; 20605

(c) The district's category three special education ADM 20606  
multiplied by the multiple specified in division (C) of section 20607  
3317.013 of the Revised Code; 20608

(d) The district's category four special education ADM 20609  
multiplied by the multiple specified in division (D) of section 20610  
3317.013 of the Revised Code; 20611

(e) The district's category five special education ADM 20612  
multiplied by the multiple specified in division (E) of section 20613  
3317.013 of the Revised Code; 20614

(f) The district's category six special education ADM 20615  
multiplied by the multiple specified in division (F) of section 20616  
3317.013 of the Revised Code. 20617

(2) "State share percentage" means the percentage calculated 20618  
for a district as follows: 20619

(a) Calculate the state base cost funding amount for the 20620  
district for the fiscal year under division (A) of this section. 20621  
If the district would not receive any state base cost funding for 20622  
that year under that division, the district's state share 20623  
percentage is zero. 20624

(b) If the district would receive state base cost funding 20625  
under that division, divide that amount by an amount equal to the 20626  
following: 20627

~~(Cost of doing business factor X~~ 20628  
the formula amount X formula ADM) + 20629  
the sum of the base funding supplements 20630

prescribed in divisions (C)(1) to (4)	20631
of section 3317.012 of the Revised Code ±	20632
<u>the sum of the amounts calculated for the district under</u>	20633
<u>sections 3317.029 and 3317.0217 of the Revised Code</u>	20634
The resultant number is the district's state share	20635
percentage.	20636
(3) "Related services" includes:	20637
(a) Child study, special education supervisors and	20638
coordinators, speech and hearing services, adaptive physical	20639
development services, occupational or physical therapy, teacher	20640
assistants for handicapped children whose handicaps are described	20641
in division (B) of section 3317.013 or division (F)(3) of section	20642
3317.02 of the Revised Code, behavioral intervention, interpreter	20643
services, work study, nursing services, and specialized	20644
integrative services as those terms are defined by the department;	20645
(b) Speech and language services provided to any student with	20646
a handicap, including any student whose primary or only handicap	20647
is a speech and language handicap;	20648
(c) Any related service not specifically covered by other	20649
state funds but specified in federal law, including but not	20650
limited to, audiology and school psychological services;	20651
(d) Any service included in units funded under former	20652
division (O)(1) of section <del>3317.023</del> <u>3317.024</u> of the Revised Code;	20653
(e) Any other related service needed by handicapped children	20654
in accordance with their individualized education plans.	20655
(4) The "total vocational education weight" for a district	20656
means the sum of the following amounts:	20657
(a) The district's category one vocational education ADM	20658
multiplied by the multiple specified in division (A) of section	20659
3317.014 of the Revised Code;	20660

(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.

(5) "Preschool scholarship ADM" means the number of handicapped preschool children reported under division (B)(3)(h) of section 3317.03 of the Revised Code.

(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:

The district's state share percentage X  
the formula amount for the year for which  
the aid is calculated X the district's  
total special education weight

(2) The attributed local share of special education and related services additional weighted costs equals:

(1 - the district's state share percentage) X the district's  
total special education weight X the formula amount

(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(i) One-half of the district's costs for the student in

excess of the threshold catastrophic cost; 20692

(ii) The product of one-half of the district's costs for the 20693  
student in excess of the threshold catastrophic cost multiplied by 20694  
the district's state share percentage. 20695

(b) For purposes of division (C)(3)(a) of this section, the 20696  
threshold catastrophic cost for serving a student equals: 20697

(i) For a student in the school district's category two, 20698  
three, four, or five special education ADM, ~~twenty five thousand~~ 20699  
~~dollars in fiscal year 2002, twenty five thousand seven hundred~~ 20700  
~~dollars in fiscal years 2003, 2004, and 2005, and twenty six~~ 20701  
~~thousand five hundred dollars in fiscal years 2006 and 2007~~ 20702  
twenty-seven thousand three hundred seventy-five dollars in fiscal 20703  
years 2008 and 2009; 20704

(ii) For a student in the district's category six special 20705  
education ADM, ~~thirty thousand dollars in fiscal year 2002, thirty~~ 20706  
~~thousand eight hundred forty dollars in fiscal years 2003, 2004,~~ 20707  
~~and 2005, and thirty one thousand eight hundred dollars in fiscal~~ 20708  
~~years 2006 and 2007~~ thirty-two thousand eight hundred fifty 20709  
dollars in fiscal years 2008 and 2009. 20710

(c) The district shall only report under division (C)(3)(a) 20711  
of this section, and the department shall only pay for, the costs 20712  
of educational expenses and the related services provided to the 20713  
student in accordance with the student's individualized education 20714  
program. Any legal fees, court costs, or other costs associated 20715  
with any cause of action relating to the student may not be 20716  
included in the amount. 20717

(4)(a) As used in this division, the "personnel allowance" 20718  
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 20719  
~~2005, 2006, and 2007~~ 2008 and 2009. 20720

(b) For the provision of speech language pathology services 20721  
to students, including students who do not have individualized 20722

education programs prepared for them under Chapter 3323. of the 20723  
Revised Code, and for no other purpose, the department of 20724  
education shall pay each school district an amount calculated 20725  
under the following formula: 20726

(formula ADM divided by 2000) X 20727  
the personnel allowance X 20728  
the state share percentage 20729

(5) In any fiscal year, a school district shall spend for 20730  
purposes that the department designates as approved for special 20731  
education and related services expenses at least the amount 20732  
calculated as follows: 20733

~~(cost of doing business factor X~~ 20734  
formula amount X the sum of categories 20735  
one through six special education ADM) + 20736  
(total special education weight X formula amount) 20737

The purposes approved by the department for special education 20738  
expenses shall include, but shall not be limited to, 20739  
identification of handicapped children, compliance with state 20740  
rules governing the education of handicapped children and 20741  
prescribing the continuum of program options for handicapped 20742  
children, provision of speech language pathology services, and the 20743  
portion of the school district's overall administrative and 20744  
overhead costs that are attributable to the district's special 20745  
education student population. 20746

The scholarships deducted from the school district's account 20747  
under section 3310.41 or 3310.55 of the Revised Code shall be 20748  
considered to be an approved special education and related 20749  
services expense for the purpose of the school district's 20750  
compliance with division (C)(5) of this section. 20751

The department shall require school districts to report data 20752  
annually to allow for monitoring compliance with division (C)(5) 20753  
of this section. The department shall annually report to the 20754

governor and the general assembly the amount of money spent by 20755  
each school district for special education and related services. 20756

(6) In any fiscal year, a school district shall spend for the 20757  
provision of speech language pathology services not less than the 20758  
sum of the amount calculated under division (C)(1) of this section 20759  
for the students in the district's category one special education 20760  
ADM and the amount calculated under division (C)(4) of this 20761  
section. 20762

The scholarships deducted from the school district's account 20763  
under section 3310.55 of the Revised Code for students counted in 20764  
the district's category one special education ADM shall be 20765  
considered to be an approved speech language pathology services 20766  
expense for the purpose of the school district's compliance with 20767  
division (C)(6) of this section. 20768

(D)(1) As used in this division: 20769

~~(a) "Daily bus miles per student" equals the number of bus 20770  
miles traveled per day, divided by transportation base. 20771~~

~~(b) "Transportation base" equals total student count as 20772  
defined in section 3301.011 of the Revised Code, minus the number 20773  
of students enrolled in preschool handicapped units, plus the 20774  
number of nonpublic school students included in transportation 20775  
ADM. 20776~~

~~(c) "Transported student percentage" equals transportation 20777  
ADM divided by transportation base. 20778~~

~~(d) "Transportation cost per student" equals total operating 20779  
costs for board owned or contractor operated school buses divided 20780  
by transportation base. 20781~~

~~(2) Analysis of student transportation cost data has resulted 20782  
in a finding that an average efficient transportation use cost per 20783  
student can be calculated by means of a regression formula that 20784~~

~~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:~~

$$\begin{aligned} & \del{51.79027 + (139.62626 \times \text{daily bus miles per student}) +} \\ & \del{(116.25573 \times \text{transported student percentage})} \end{aligned}$$

~~The department of education shall annually determine the average efficient transportation use cost per student in accordance with the principles stated in division (D)(2) of this section, updating the intercept and regression coefficients of the regression formula modeled in this division, based on an annual statewide analysis of each school district's daily bus miles per student, transported student percentage, and transportation cost per student data. The department shall conduct the annual update using data, including daily bus miles per student, transported student percentage, and transportation cost per student data, from the prior fiscal year. The department shall notify the office of budget and management of such update by the fifteenth day of February of each year.~~

~~(3) In addition to funds paid under divisions (A), (C), and (E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a percentage of the product of the district's transportation base from the prior fiscal year times the annually updated average efficient transportation use cost per student, times an inflation factor of two and eight tenths per cent to account for the one year difference between the data used in updating the formula and calculating the payment and the year in which the payment is made. The percentage shall be the following percentage of that product specified for the corresponding fiscal year:~~

FISCAL YEAR	PERCENTAGE
2000	52.5%

2001	55%	20817
2002	57.5%	20818
<del>2003 and thereafter</del>	<del>The greater of 60% or the district's state share percentage</del>	20819

~~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.~~ 20820  
20821  
20822

~~(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:~~ 20823  
20824  
20825

~~(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;~~ 20826  
20827  
20828

~~(b) Its district student density is lower than the statewide student density, as those terms are defined in that division.~~ 20829  
20830

~~(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula:~~ 20831  
20832  
20833

~~(per rough mile subsidy X total rough road miles)  
X density multiplier~~ 20834  
20835

~~where:~~ 20836

~~(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula:~~ 20837  
20838

~~$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$~~  20839  
20840  
20841

~~(i) "Maximum rough road percentage" means the highest county rough road percentage in the state.~~ 20842  
20843

~~(ii) "County rough road percentage" equals the percentage of~~ 20844

~~the mileage of state, municipal, county, and township roads that~~ 20845  
~~is rated by the department of transportation as type A, B, C, E2,~~ 20846  
~~or F in the county in which the school district is located or, if~~ 20847  
~~the district is located in more than one county, the county to~~ 20848  
~~which it is assigned for purposes of determining its~~ 20849  
~~cost of doing business factor.~~ 20850

~~(iii) "Statewide rough road percentage" means the percentage~~ 20851  
~~of the statewide total mileage of state, municipal, county, and~~ 20852  
~~township roads that is rated as type A, B, C, E2, or F by the~~ 20853  
~~department of transportation.~~ 20854

~~(b) "Total rough road miles" means a school district's total~~ 20855  
~~bus miles traveled in one year times its county rough road~~ 20856  
~~percentage.~~ 20857

~~(c) "Density multiplier" means a figure calculated in~~ 20858  
~~accordance with the following formula:~~ 20859

$$1 - \left[ \frac{\text{minimum student density} - \text{district student}}{\text{density} / (\text{minimum student density} - \text{statewide student density})} \right]$$
20860  
20861  
20862

~~(i) "Minimum student density" means the lowest district~~ 20863  
~~student density in the state.~~ 20864

~~(ii) "District student density" means a school district's~~ 20865  
~~transportation base divided by the number of square miles in the~~ 20866  
~~district.~~ 20867

~~(iii) "Statewide student density" means the sum of the~~ 20868  
~~transportation bases for all school districts divided by the sum~~ 20869  
~~of the square miles in all school districts.~~ 20870

~~(6)(a) "Total cost of transportation" is equal to the cost of~~ 20871  
~~transporting qualifying riders using the following types of~~ 20872  
~~transportation:~~ 20873

~~(i) Board-owned, leased, and operated school buses;~~ 20874

<u>(ii) School bus service contracted from another school,</u>	20875
<u>including transportation in a consortium arrangement on buses</u>	20876
<u>managed and reported by another district or entity;</u>	20877
<u>(iii) Contractor-owned, leased, and operated school buses.</u>	20878
<u>(b) "Qualifying riders" are students transported living over</u>	20879
<u>one mile from school in grades kindergarten through twelve,</u>	20880
<u>including students with dual enrollment in a joint vocational or</u>	20881
<u>cooperative education district, nonpublic school students, and</u>	20882
<u>community school students. Only students eligible for a</u>	20883
<u>transportation payment under section 3327.01 of the Revised Code</u>	20884
<u>shall be included in this count. This count shall be determined as</u>	20885
<u>the average number of students transported during the first full</u>	20886
<u>week of October, and reported as required by the department of</u>	20887
<u>education. Adjustments to this count may be made only in</u>	20888
<u>accordance with rules adopted by the department.</u>	20889
<u>(c) "Nontraditional riders" are those qualifying riders being</u>	20890
<u>educated in a community school or a nonpublic school.</u>	20891
<u>(d) "Total miles" is the total miles driven for all types of</u>	20892
<u>transportation as listed under division (D)(1)(a) of this section.</u>	20893
<u>(e) "Transportation state share percentage" is the district's</u>	20894
<u>state share percentage, as defined in division (B)(2) of this</u>	20895
<u>section, as determined by the department for the district's second</u>	20896
<u>June state education aid payment of the previous fiscal year.</u>	20897
<u>(f) "Assigned bus" means a bus used for transporting regular</u>	20898
<u>education qualifying riders.</u>	20899
<u>(2) For each school district, the department shall determine</u>	20900
<u>the statewide average cost per student as follows:</u>	20901
<u>(a) Determine the district's cost per student by dividing the</u>	20902
<u>total costs of transportation in the previous fiscal year by total</u>	20903
<u>qualifying riders in the previous fiscal year for each district.</u>	20904

<u>(b) Exclude from the determination under division (D)(2)(a)</u>	20905
<u>of this section the ten districts with the highest cost per</u>	20906
<u>student and the ten districts with the lowest cost per student.</u>	20907
<u>(c) After excluding the districts as prescribed in division</u>	20908
<u>(D)(2)(b) of this section, determine the statewide average cost</u>	20909
<u>per student by dividing the aggregate statewide total costs of</u>	20910
<u>transportation by the aggregate statewide total qualifying riders.</u>	20911
<u>(3) For each school district, the department shall determine</u>	20912
<u>the statewide average cost per mile as follows:</u>	20913
<u>(a) Determine the district's cost per mile by dividing the</u>	20914
<u>total costs of transportation in the previous fiscal year by the</u>	20915
<u>total miles in the previous fiscal year for each district.</u>	20916
<u>(b) Exclude from the determination made under division</u>	20917
<u>(D)(3)(a) of this section, the ten districts with the highest cost</u>	20918
<u>per mile and the ten districts with the lowest cost per mile.</u>	20919
<u>(c) After excluding the districts as prescribed in division</u>	20920
<u>(D)(3)(b) of this section, determine the statewide average cost</u>	20921
<u>per mile by dividing the aggregate statewide total miles for all</u>	20922
<u>districts by the aggregate statewide total qualifying riders.</u>	20923
<u>(4) For each school district, the department shall determine</u>	20924
<u>each district's base calculation as follows:</u>	20925
<u>(a) Determine the per student base by multiplying the state</u>	20926
<u>average cost per student as determined under division (D)(2)(a) of</u>	20927
<u>this section by the district's current year total qualifying</u>	20928
<u>riders.</u>	20929
<u>(b) Determine the per mile base by multiplying the state</u>	20930
<u>average cost per mile as determined under division (D)(3)(a) of</u>	20931
<u>this section by the district's current year total miles.</u>	20932
<u>(c) Determine the current year base by multiplying the</u>	20933
<u>greater of the amount determined under division (D)(4)(a) or (b)</u>	20934

of this section by the greater of sixty per cent or the district's 20935  
transportation state share percentage as defined under division 20936  
(D)(1) of this section. 20937

(5) For each school district, the department calculate the 20938  
district's nontraditional student adjustment as follows: 20939

(a) Determine the district's nontraditional student ratio by 20940  
dividing total nontraditional riders by total qualifying riders. 20941

(b) Multiply the ratio determined under division (D)(5)(a) of 20942  
this section by 0.1. 20943

(c) Multiply the product calculated under division (D)(5)(b) 20944  
of this section by the district's current year base. 20945

(6) If a district provides any of the types of transportation 20946  
listed in division (D)(1)(a) of this section to all of its high 20947  
school students, the department shall multiply the district's 20948  
current year base by 0.025. 20949

(7) If a district provides any of the types of transportation 20950  
listed in division (D)(1)(a) of this section to students in grades 20951  
kindergarten to eight living less than two miles from school but 20952  
greater than one mile from school, the district's current year 20953  
base shall be multiplied by 0.025. 20954

(8) For each school district, the department shall calculate 20955  
an adjustment based upon efficiency. "Efficiency" means the 20956  
ability to exceed a target number of riders per assigned bus. The 20957  
target value shall be recalculated each year based upon current 20958  
year data, and based upon the median riders per assigned bus. 20959

(a) Each district's efficiency target shall be adjusted based 20960  
upon its ridership density, using a formula that compares its 20961  
ridership density with other districts, and adjusts the ridership 20962  
target based upon that relative density. 20963

(b) The efficiency index for each district shall be 20964

determined by dividing each district's current year qualifying riders per assigned bus by its target riders per assigned bus. 20965  
20966

(c) The efficiency adjustment for each district shall be as follows: 20967  
20968

(i) If the district's efficiency index is greater than or equal to 1.5, the efficiency adjustment is ten per cent times the current year base. 20969  
20970  
20971

(ii) If the district's efficiency index is less than 1.5 but greater than or equal to 1.0, the district's efficiency adjustment is as follows: 20972  
20973  
20974

[(the district's efficiency index minus one) divided by five] times the current year base. 20975  
20976

(iii) If the district's efficiency index is less than 1.0, the district's efficiency adjustment is zero. 20977  
20978

(d) The department shall publish on its web site the efficiency index for each district and the details of how the index was calculated. 20979  
20980  
20981

(9) Each district shall be paid the lesser of the amount described in division (D)(9)(a) or (b) of this section: 20982  
20983

(a) The sum of the amounts determined under divisions (D)(4)(c), (5)(c), (6), (7), and (8)(c) of this section; 20984  
20985

(b) The district's total actual cost from the prior fiscal year. 20986  
20987

(10) In addition to funds paid under ~~divisions (D)(2) to (5)~~ division (D)(9) 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 (G) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting 20988  
20989  
20990  
20991  
20992  
20993  
20994

of such students. 20995

(E)(1) The department shall compute and distribute state 20996  
vocational education additional weighted costs funds to each 20997  
school district in accordance with the following formula: 20998  
state share percentage X 20999  
the formula amount X 21000  
total vocational education weight 21001

In any fiscal year, a school district receiving funds under 21002  
division (E)(1) of this section shall spend those funds only for 21003  
the purposes that the department designates as approved for 21004  
vocational education expenses. Vocational educational expenses 21005  
approved by the department shall include only expenses connected 21006  
to the delivery of career-technical programming to 21007  
career-technical students. The department shall require the school 21008  
district to report data annually so that the department may 21009  
monitor the district's compliance with the requirements regarding 21010  
the manner in which funding received under division (E)(1) of this 21011  
section may be spent. 21012

(2) The department shall compute for each school district 21013  
state funds for vocational education associated services in 21014  
accordance with the following formula: 21015  
state share percentage X .05 X the formula amount X 21016  
the sum of categories one and two vocational education ADM 21017

In any fiscal year, a school district receiving funds under 21018  
division (E)(2) of this section, or through a transfer of funds 21019  
pursuant to division (L) of section 3317.023 of the Revised Code, 21020  
shall spend those funds only for the purposes that the department 21021  
designates as approved for vocational education associated 21022  
services expenses, which may include such purposes as 21023  
apprenticeship coordinators, coordinators for other vocational 21024  
education services, vocational evaluation, and other purposes 21025  
designated by the department. The department may deny payment 21026

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 the district's recognized valuation. The department annually shall pay each school district as an excess cost supplement any amount by which the sum of the district's attributed local shares for that funding exceeds that product. For purposes of calculating the excess cost supplement:

(1) The attributed local share for special education and related services additional weighted costs funding is the amount specified in division (C)(2) of this section.

(2) The attributed local share of transportation funding equals ~~the difference of the total amount calculated for the district using the formula developed under division (D)(2) of this section minus the actual amount paid to the district after applying the percentage specified in division (D)(3) of this section~~ one hundred one per cent of the district's local share of transportation funding calculated by the department for the previous fiscal year.

(3) The attributed local share of vocational education and associated services additional weighted costs funding is the amount determined as follows:

(1 - state share percentage) X 21059  
[(total vocational education weight X 21060  
the formula amount) + the payment under 21061  
division (E)(2) of this section] 21062

**Sec. 3317.023.** (A) Notwithstanding section 3317.022 of the 21063  
Revised Code, the amounts required to be paid to a district under 21064  
this chapter shall be adjusted by the amount of the computations 21065  
made under divisions (B) to ~~(O)~~(P) of this section. 21066

As used in this section: 21067

(1) "Classroom teacher" means a licensed employee who 21068  
provides direct instruction to pupils, excluding teachers funded 21069  
from money paid to the district from federal sources; educational 21070  
service personnel; and vocational and special education teachers. 21071

(2) "Educational service personnel" shall not include such 21072  
specialists funded from money paid to the district from federal 21073  
sources or assigned full-time to vocational or special education 21074  
students and classes and may only include those persons employed 21075  
in the eight specialist areas in a pattern approved by the 21076  
department of education under guidelines established by the state 21077  
board of education. 21078

(3) "Annual salary" means the annual base salary stated in 21079  
the state minimum salary schedule for the performance of the 21080  
teacher's regular teaching duties that the teacher earns for 21081  
services rendered for the first full week of October of the fiscal 21082  
year for which the adjustment is made under division (C) of this 21083  
section. It shall not include any salary payments for supplemental 21084  
teachers contracts. 21085

(4) "Regular student population" means the formula ADM plus 21086  
the number of students reported as enrolled in the district 21087  
pursuant to division (A)(1) of section 3313.981 of the Revised 21088  
Code; minus the number of students reported under division (A)(2) 21089

of section 3317.03 of the Revised Code; minus the FTE of students 21090  
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 21091  
of that section who are enrolled in a vocational education class 21092  
or receiving special education; and minus twenty per cent of the 21093  
students enrolled concurrently in a joint vocational school 21094  
district. 21095

(5) "State share percentage" has the same meaning as in 21096  
section 3317.022 of the Revised Code. 21097

(6) "VEPD" means a school district or group of school 21098  
districts designated by the department of education as being 21099  
responsible for the planning for and provision of vocational 21100  
education services to students within the district or group. 21101

(7) "Lead district" means a school district, including a 21102  
joint vocational school district, designated by the department as 21103  
a VEPD, or designated to provide primary vocational education 21104  
leadership within a VEPD composed of a group of districts. 21105

(B) If the district employs less than one full-time 21106  
equivalent classroom teacher for each twenty-five pupils in the 21107  
regular student population in any school district, deduct the sum 21108  
of the amounts obtained from the following computations: 21109

(1) Divide the number of the district's full-time equivalent 21110  
classroom teachers employed by one twenty-fifth; 21111

(2) Subtract the quotient in (1) from the district's regular 21112  
student population; 21113

(3) Multiply the difference in (2) by seven hundred fifty-two 21114  
dollars. 21115

(C) If a positive amount, add one-half of the amount obtained 21116  
by multiplying the number of full-time equivalent classroom 21117  
teachers by: 21118

(1) The mean annual salary of all full-time equivalent 21119

classroom teachers employed by the district at their respective 21120  
training and experience levels minus; 21121

(2) The mean annual salary of all such teachers at their 21122  
respective levels in all school districts receiving payments under 21123  
this section. 21124

The number of full-time equivalent classroom teachers used in 21125  
this computation shall not exceed one twenty-fifth of the 21126  
district's regular student population. In calculating the 21127  
district's mean salary under this division, those full-time 21128  
equivalent classroom teachers with the highest training level 21129  
shall be counted first, those with the next highest training level 21130  
second, and so on, in descending order. Within the respective 21131  
training levels, teachers with the highest years of service shall 21132  
be counted first, the next highest years of service second, and so 21133  
on, in descending order. 21134

(D) This division does not apply to a school district that 21135  
has entered into an agreement under division (A) of section 21136  
3313.42 of the Revised Code. Deduct the amount obtained from the 21137  
following computations if the district employs fewer than five 21138  
full-time equivalent educational service personnel, including 21139  
elementary school art, music, and physical education teachers, 21140  
counselors, librarians, visiting teachers, school social workers, 21141  
and school nurses for each one thousand pupils in the regular 21142  
student population: 21143

(1) Divide the number of full-time equivalent educational 21144  
service personnel employed by the district by five 21145  
one-thousandths; 21146

(2) Subtract the quotient in (1) from the district's regular 21147  
student population; 21148

(3) Multiply the difference in (2) by ninety-four dollars. 21149

(E) If a local school district, or a city or exempted village 21150

school district to which a governing board of an educational 21151  
service center provides services pursuant to section 3313.843 of 21152  
the Revised Code, deduct the amount of the payment required for 21153  
the reimbursement of the governing board under section 3317.11 of 21154  
the Revised Code. 21155

(F)(1) If the district is required to pay to or entitled to 21156  
receive tuition from another school district under division (C)(2) 21157  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 21158  
or if the superintendent of public instruction is required to 21159  
determine the correct amount of tuition and make a deduction or 21160  
credit under section 3317.08 of the Revised Code, deduct and 21161  
credit such amounts as provided in division (J) of section 3313.64 21162  
or section 3317.08 of the Revised Code. 21163

(2) For each child for whom the district is responsible for 21164  
tuition or payment under division (A)(1) of section 3317.082 or 21165  
section 3323.091 of the Revised Code, deduct the amount of tuition 21166  
or payment for which the district is responsible. 21167

(G) If the district has been certified by the superintendent 21168  
of public instruction under section 3313.90 of the Revised Code as 21169  
not in compliance with the requirements of that section, deduct an 21170  
amount equal to ten per cent of the amount computed for the 21171  
district under section 3317.022 of the Revised Code. 21172

(H) If the district has received a loan from a commercial 21173  
lending institution for which payments are made by the 21174  
superintendent of public instruction pursuant to division (E)(3) 21175  
of section 3313.483 of the Revised Code, deduct an amount equal to 21176  
such payments. 21177

(I)(1) If the district is a party to an agreement entered 21178  
into under division (D), (E), or (F) of section 3311.06 or 21179  
division (B) of section 3311.24 of the Revised Code and is 21180  
obligated to make payments to another district under such an 21181

agreement, deduct an amount equal to such payments if the district 21182  
school board notifies the department in writing that it wishes to 21183  
have such payments deducted. 21184

(2) If the district is entitled to receive payments from 21185  
another district that has notified the department to deduct such 21186  
payments under division (I)(1) of this section, add the amount of 21187  
such payments. 21188

(J) If the district is required to pay an amount of funds to 21189  
a cooperative education district pursuant to a provision described 21190  
by division (B)(4) of section 3311.52 or division (B)(8) of 21191  
section 3311.521 of the Revised Code, deduct such amounts as 21192  
provided under that provision and credit those amounts to the 21193  
cooperative education district for payment to the district under 21194  
division (B)(1) of section 3317.19 of the Revised Code. 21195

(K)(1) If a district is educating a student entitled to 21196  
attend school in another district pursuant to a shared education 21197  
contract, compact, or cooperative education agreement other than 21198  
an agreement entered into pursuant to section 3313.842 of the 21199  
Revised Code, credit to that educating district on an FTE basis 21200  
both of the following: 21201

(a) An amount equal to the ~~greater of the following:~~ 21202

~~(i) The fiscal year 2005 formula amount times the fiscal year 21203  
2005 cost of doing business factor of the school district where 21204  
the student is entitled to attend school pursuant to section 21205  
3313.64 or 3313.65 of the Revised Code;~~ 21206

~~(ii) The sum of (the current formula amount times the current 21207  
cost of doing business factor of the school district when the 21208  
student is entitled to attend school pursuant to section 3313.64 21209  
or 3313.65 of the Revised Code) plus the per pupil amount of the 21210  
base funding supplements specified in divisions (C)(1) to (4) of 21211  
section 3317.012 of the Revised Code. 21212~~

(b) An amount equal to the current formula amount times the state share percentage times any multiple applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (K)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the service center pursuant to section 3317.11 of the Revised Code.

(L)(1) If a district, including a joint vocational school district, is a lead district of a VEPD, credit to that district the amounts calculated for all the school districts within that VEPD pursuant to division (E)(2) of section 3317.022 of the Revised Code.

(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.

(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.

(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.

(2) 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 deduct that amount from the district of residence of that child.

(O) If the department of job and family services presents to the department of education a payment request through an intrastate transfer voucher for the nonfederal share of reimbursements made to a school district for medicaid services provided by the district, the department of education shall pay the amount of that request to the department of job and family services and shall deduct the amount of that payment from the district.

(P) If the department is required to pay an amount under section 3353.25 of the Revised Code to a school district delivering a course included in the clearinghouse established under section 3353.21 of the Revised Code for a student enrolled in a school district, the department shall deduct that amount from the school district in which the student is enrolled.

**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 (I), (K), (L), and (N) 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 (G) and (L) of this section, to educational service centers as provided in section 3317.11 of the Revised Code; in the case of divisions (D) and (J) of this section, to county MR/DD boards; in the case of division (N) of this section, to joint vocational school districts; in the case of division (H) of this section, to cooperative education

school districts; and in the case of division (M) of this section, 21275  
to the institutions defined under section 3317.082 of the Revised 21276  
Code providing elementary or secondary education programs to 21277  
children other than children receiving special education under 21278  
section 3323.091 of the Revised Code. The following shall be 21279  
distributed monthly, quarterly, or annually as may be determined 21280  
by the state board of education: 21281

(A) An amount for each island school district and each joint 21282  
state school district for the operation of each high school and 21283  
each elementary school maintained within such district and for 21284  
capital improvements for such schools. Such amounts shall be 21285  
determined on the basis of standards adopted by the state board of 21286  
education. 21287

(B) An amount for each school district operating classes for 21288  
children of migrant workers who are unable to be in attendance in 21289  
an Ohio school during the entire regular school year. The amounts 21290  
shall be determined on the basis of standards adopted by the state 21291  
board of education, except that payment shall be made only for 21292  
subjects regularly offered by the school district providing the 21293  
classes. 21294

(C) An amount for each school district with guidance, 21295  
testing, and counseling programs approved by the state board of 21296  
education. The amount shall be determined on the basis of 21297  
standards adopted by the state board of education. 21298

(D) An amount for the emergency purchase of school buses as 21299  
provided for in section 3317.07 of the Revised Code; 21300

(E) An amount for each school district required to pay 21301  
tuition for a child in an institution maintained by the department 21302  
of youth services pursuant to section 3317.082 of the Revised 21303  
Code, provided the child was not included in the calculation of 21304  
the district's average daily membership for the preceding school 21305

year. 21306

(F) An amount for adult basic literacy education for each 21307  
district participating in programs approved by the state board of 21308  
education. The amount shall be determined on the basis of 21309  
standards adopted by the state board of education. 21310

(G) An amount for the approved cost of transporting eligible 21311  
pupils with disabilities attending a special education program 21312  
approved by the department of education whom it is impossible or 21313  
impractical to transport by regular school bus in the course of 21314  
regular route transportation provided by the district or service 21315  
center. No district or service center is eligible to receive a 21316  
payment under this division for the cost of transporting any pupil 21317  
whom it transports by regular school bus and who is included in 21318  
the district's transportation ADM. The state board of education 21319  
shall establish standards and guidelines for use by the department 21320  
of education in determining the approved cost of such 21321  
transportation for each district or service center. 21322

(H) An amount to each school district, including each 21323  
cooperative education school district, pursuant to section 3313.81 21324  
of the Revised Code to assist in providing free lunches to needy 21325  
children and an amount to assist needy school districts in 21326  
purchasing necessary equipment for food preparation. The amounts 21327  
shall be determined on the basis of rules adopted by the state 21328  
board of education. 21329

(I) An amount to each school district, for each pupil 21330  
attending a chartered nonpublic elementary or high school within 21331  
the district. The amount shall equal the amount appropriated for 21332  
the implementation of section 3317.06 of the Revised Code divided 21333  
by the average daily membership in grades kindergarten through 21334  
twelve in nonpublic elementary and high schools within the state 21335  
as determined during the first full week in October of each school 21336  
year. 21337

(J) An amount for each county MR/DD board, distributed on the 21338  
basis of standards adopted by the state board of education, for 21339  
the approved cost of transportation required for children 21340  
attending special education programs operated by the county MR/DD 21341  
board under section 3323.09 of the Revised Code; 21342

(K) An amount for each school district that establishes a 21343  
mentor teacher program that complies with rules of the state board 21344  
of education. No school district shall be required to establish or 21345  
maintain such a program in any year unless sufficient funds are 21346  
appropriated to cover the district's total costs for the program. 21347

(L) An amount to each school district or educational service 21348  
center for the total number of gifted units approved pursuant to 21349  
section 3317.05 of the Revised Code. The amount for each such unit 21350  
shall be the sum of the minimum salary for the teacher of the 21351  
unit, calculated on the basis of the teacher's training level and 21352  
years of experience pursuant to the salary schedule prescribed in 21353  
the version of section 3317.13 of the Revised Code in effect prior 21354  
to July 1, 2001, plus fifteen per cent of that minimum salary 21355  
amount, plus two thousand six hundred seventy-eight dollars. 21356

(M) An amount to each institution defined under section 21357  
3317.082 of the Revised Code providing elementary or secondary 21358  
education to children other than children receiving special 21359  
education under section 3323.091 of the Revised Code. This amount 21360  
for any institution in any fiscal year shall equal the total of 21361  
all tuition amounts required to be paid to the institution under 21362  
division (A)(1) of section 3317.082 of the Revised Code. 21363

(N) A grant to each school district and joint vocational 21364  
school district that operates a "graduation, reality, and 21365  
dual-role skills" (GRADS) program for pregnant and parenting 21366  
students that is approved by the department. The amount of the 21367  
payment shall be the district's state share percentage, as defined 21368  
in section 3317.022 or 3317.16 of the Revised Code, times the 21369

GRADS personnel allowance times the full-time-equivalent number of 21370  
GRADS teachers approved by the department. The GRADS personnel 21371  
allowance is \$47,555 in fiscal years ~~2004, 2005, 2006, and 2007~~ 21372  
2008 and 2009. 21373

The state board of education or any other board of education 21374  
or governing board may provide for any resident of a district or 21375  
educational service center territory any educational service for 21376  
which funds are made available to the board by the United States 21377  
under the authority of public law, whether such funds come 21378  
directly or indirectly from the United States or any agency or 21379  
department thereof or through the state or any agency, department, 21380  
or political subdivision thereof. 21381

**Sec. 3317.025.** On or before the first day of June of each 21382  
year, the tax commissioner shall certify the following information 21383  
to the department of education and the office of budget and 21384  
management, for each school district in which the value of the 21385  
property described under division (A) of this section exceeds one 21386  
per cent of the taxable value of all real and tangible personal 21387  
property in the district or in which is located tangible personal 21388  
property designed for use or used in strip mining operations, 21389  
whose taxable value exceeds five million dollars, and the taxes 21390  
upon which the district is precluded from collecting by virtue of 21391  
legal proceedings to determine the value of such property: 21392

(A) The total taxable value of all property in the district 21393  
owned by a public utility or railroad that has filed a petition 21394  
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 21395  
(1898), 11 U.S.C. 205, as amended, and all tangible personal 21396  
property in the district designed for use or used in strip mining 21397  
operations whose taxable value exceeds five million dollars upon 21398  
which have not been paid in full on or before the first day of 21399  
April of that calendar year all real and tangible personal 21400

property taxes levied for the preceding calendar year and which 21401  
the district was precluded from collecting by virtue of 21402  
proceedings under section 205 of said act or by virtue of legal 21403  
proceedings to determine the tax liability of such strip mining 21404  
equipment; 21405

(B) The percentage of the total operating taxes charged and 21406  
payable for school district purposes levied against such valuation 21407  
for the preceding calendar year that have not been paid by such 21408  
date; 21409

(C) The product obtained by multiplying the value certified 21410  
under division (A) of this section by the percentage certified 21411  
under division (B) of this section. If the value certified under 21412  
division (A) of this section includes taxable property owned by a 21413  
public utility or railroad that has filed a petition for 21414  
reorganization under the bankruptcy act, the amount used in making 21415  
the calculation under this division shall be reduced by one per 21416  
cent of the total value of all real and tangible personal property 21417  
in the district or the value of the utility's or railroad's 21418  
property, whichever is less. 21419

Upon receipt of the certification, the department shall 21420  
recompute the payments required under section 3317.022 of the 21421  
Revised Code in the manner the payments would have been computed 21422  
if: 21423

(1) The amount certified under division (C) of this section 21424  
was not subject to taxation by the district and was not included 21425  
in the certification made under division (A)(1), (A)(2), or (D) of 21426  
section 3317.021 of the Revised Code. 21427

(2) The amount of taxes charged and payable and unpaid and 21428  
used to make the computation under division (B) of this section 21429  
had not been levied and had not been used in the computation 21430  
required by division (B) of section 3317.021 of the Revised Code. 21431

The department shall pay the district that amount in the ensuing 21432  
fiscal year in lieu of the amounts computed under section 3317.022 21433  
of the Revised Code. 21434

If a school district received a grant from the catastrophic 21435  
expenditures account pursuant to division (C) of section 3316.20 21436  
of the Revised Code on the basis of the same circumstances for 21437  
which a recomputation is made under this section, the amount of 21438  
the recomputation shall be reduced and transferred in accordance 21439  
with division (C) of section 3316.20 of the Revised Code. 21440

**Sec. 3317.026.** (A) As used in this section, "refunded taxes" 21441  
means taxes charged and payable from real and tangible personal 21442  
property, including public utility property, that have been found 21443  
to have been overpaid as the result of reductions in the taxable 21444  
value of such property and that have been refunded, including any 21445  
interest or penalty refunded with those taxes. If taxes are 21446  
refunded over a period of time pursuant to division (B)(2), (3), 21447  
or (4) of section 319.36 or division (C) of section 5727.471 of 21448  
the Revised Code, the total amount of taxes required to be 21449  
refunded, excluding any interest accruing after the day the 21450  
undertaking is entered into, shall be considered to have been 21451  
refunded on the day the first portion of the overpayment is paid 21452  
or credited. 21453

(B) Not later than the last day of February each year, each 21454  
county auditor shall certify to the tax commissioner, for each 21455  
school district in the county, the amount of refunded taxes 21456  
refunded in the preceding calendar year and the reductions in 21457  
taxable value that resulted in those refunds, except for 21458  
reductions in taxable value that previously have been reported to 21459  
the tax commissioner on an abstract. If the tax commissioner 21460  
determines that the amount of refunded taxes certified for a 21461  
school district exceeds three per cent of the total taxes charged 21462

and payable for current expenses of the school district for the 21463  
calendar year in which those taxes were refunded, the tax 21464  
commissioner shall certify the reductions in taxable value that 21465  
resulted in those refunds on or before the first day of June to 21466  
the department of education and the office of budget and 21467  
management. Upon receiving the certification by the tax 21468  
commissioner, the department of education shall reduce the total 21469  
taxable value of the school district, as defined in section 21470  
3317.02 of the Revised Code, by the total amount of the reductions 21471  
in taxable value that resulted in those refunds for the purpose of 21472  
computing the ~~SF-3 payment~~ state education aid for the school 21473  
district for the current fiscal year. The increase in the amount 21474  
of such aid resulting from the adjustment required by this section 21475  
shall be paid to the school district ~~on or before the thirty-first~~ 21476  
~~day of July of the following fiscal year.~~ The payment date shall 21477  
be determined by the director of budget and management. The 21478  
director shall select a payment date that is not earlier than the 21479  
first day of June of the current fiscal year and not later than 21480  
the thirty-first day of July of the following fiscal year. The 21481  
department of education shall not pay the district under this 21482  
section prior to approval by the director of budget and management 21483  
to make that payment. 21484

If an adjustment is made under this division in the amount of 21485  
state aid paid to a school district, the tax value reductions from 21486  
which that adjustment results shall not be used in recomputing aid 21487  
to a school district under section 3317.027 of the Revised Code. 21488

(C) If a school district received a grant from the 21489  
catastrophic expenditures account pursuant to division (C) of 21490  
section 3316.20 of the Revised Code on the basis of the same 21491  
circumstances for which an adjustment is made under this section, 21492  
the amount of the adjustment shall be reduced and transferred in 21493  
accordance with division (C) of section 3316.20 of the Revised 21494

Code. 21495

(D) Not later than the first day of June each year, the tax 21496  
commissioner shall certify to the department of education and the 21497  
office of budget and management for each school district the total 21498  
of the increases in taxable value above the amount of taxable 21499  
value on which tax was paid, as provided in division (B)(1) or (2) 21500  
of section 5727.47 of the Revised Code, as determined by the 21501  
commissioner, and for which a notification was sent pursuant to 21502  
section 5727.471 of the Revised Code, in the preceding calendar 21503  
year. Upon receiving the certification, the department shall 21504  
increase the total taxable value, as defined in section 3317.02 of 21505  
the Revised Code, of the school district by the total amount of 21506  
the increase in taxable value certified by the commissioner for 21507  
the school district for the purpose of computing the school 21508  
district's ~~SF-3 payment~~ state education aid for the following 21509  
fiscal year. 21510

**Sec. 3317.027.** On or before the fifteenth day of May of each 21511  
year, the tax commissioner shall certify to the department of 21512  
education and the office of budget and management: 21513

(A) The amount by which applications filed under section 21514  
5713.38 of the Revised Code or complaints filed under section 21515  
5715.19 of the Revised Code resulted in a reduction in the second 21516  
preceding year's taxable value in each school district in which 21517  
such a reduction occurred, and the amount by which such reduction 21518  
reduced the district's taxes charged and payable for such year; 21519  
and 21520

(B) The taxes charged and payable for the second preceding 21521  
tax year that were remitted under section 5713.081 of the Revised 21522  
Code and the taxable value against which such taxes were imposed. 21523

Upon receipt of such certifications, the department shall 21524  
recompute the district's ~~SF-3 payment~~ state education aid and 21525

determine the amount that the ~~SF-3 payment~~ state education aid 21526  
would have been ~~paid~~ had the taxable value not been used in the 21527  
computation made under division (A)(1) of section 3317.021 of the 21528  
Revised Code and had the taxes charged and payable not been 21529  
included in the certification made under division (A)(3) of such 21530  
section. The department shall calculate the amount that the 21531  
remainder of the fiscal year's payments should have been for the 21532  
fiscal year including the amount of the ~~SF-3 payment~~ state 21533  
education aid as recomputed. The increase or decrease in the 21534  
amount of aid resulting from the adjustment required under this 21535  
section shall be paid to the school district ~~on or before the~~ 21536  
~~thirty-first day of July of the following fiscal year.~~ The payment 21537  
date shall be determined by the director of budget and management. 21538  
The director shall select a payment date that is not earlier than 21539  
the first day of June of the current fiscal year and not later 21540  
than the thirty-first day of July of the following fiscal year. 21541  
The department of education shall not pay the district under this 21542  
section prior to approval by the director of budget and management 21543  
to make that payment. 21544

If a school district received a grant from the catastrophic 21545  
expenditures account pursuant to division (C) of section 3316.20 21546  
of the Revised Code on the basis of the same circumstances for 21547  
which a recomputation is made under this section, the amount of 21548  
the recomputation shall be reduced and transferred in accordance 21549  
with division (C) of section 3316.20 of the Revised Code. 21550

**Sec. 3317.028.** (A) On or before the fifteenth day of May in 21551  
each calendar year prior to calendar year 2007, the tax 21552  
commissioner shall determine for each school district whether the 21553  
taxable value of all tangible personal property, including utility 21554  
tangible personal property, subject to taxation by the district in 21555  
the preceding tax year was less or greater than the taxable value 21556  
of such property during the second preceding tax year. If any such 21557

decrease exceeds five per cent of the district's tangible personal 21558  
property taxable value included in the total taxable value used in 21559  
computing the district's ~~SF-3 payment~~ state education aid for the 21560  
fiscal year that ends in the current calendar year, or if any such 21561  
increase exceeds five per cent of the district's total taxable 21562  
value used in computing the district's ~~SF-3 payment~~ state 21563  
education aid for the fiscal year that ends in the current 21564  
calendar year, the tax commissioner shall certify both of the 21565  
following to the department of education and the office of budget 21566  
and management: 21567

(1) The taxable value of the tangible personal property 21568  
increase or decrease, including utility tangible personal property 21569  
increase or decrease, which shall be considered a change in 21570  
valuation; 21571

(2) The decrease or increase in taxes charged and payable on 21572  
such change in taxable value calculated in the same manner as in 21573  
division (A)(3) of section 3317.021 of the Revised Code. 21574

(B) On or before May 15, 2007, and the fifteenth day of May 21575  
in each calendar year thereafter, the tax commissioner shall 21576  
determine for each school district whether the taxable value of 21577  
all utility tangible personal property subject to taxation by the 21578  
district in the preceding tax year was less or greater than the 21579  
taxable value of such property during the second preceding tax 21580  
year. If any decrease exceeds five per cent of the district's 21581  
tangible personal property taxable value included in the total 21582  
taxable value used in the district's state aid computation for the 21583  
fiscal year that ends in the current calendar year, or if any 21584  
increase exceeds five per cent of the district's total taxable 21585  
value used in the district's state education aid computation for 21586  
the fiscal year that ends in the current calendar year, the tax 21587  
commissioner shall certify both of the following to the department 21588  
of education and the office of budget and management: 21589

(1) The taxable value of the utility tangible personal 21590  
property increase or decrease, which shall be considered a change 21591  
in valuation; 21592

(2) The decrease or increase in taxes charged and payable on 21593  
such change in taxable value calculated in the same manner as in 21594  
division (A)(3) of section 3317.021 of the Revised Code. 21595

(C) Upon receipt of a certification specified in this 21596  
section, the department of education shall reduce or increase by 21597  
the respective amounts certified and the taxable value and the 21598  
taxes charged and payable that were used in computing the 21599  
district's ~~SF-3 payment~~ state education aid for the fiscal year 21600  
that ends in the current calendar year and shall recompute the 21601  
~~SF-3 payment~~ state education aid for such fiscal year. The 21602  
department shall pay ~~the district a sum equal to one-half of the~~ 21603  
~~recomputed payments in lieu of the payments otherwise required~~ 21604  
~~under that section on or before the thirty first day of July of~~ 21605  
~~the following fiscal year~~ to or deduct from the district an amount 21606  
equal to one-half of the difference between the district's state 21607  
education aid prior to the recomputation under this section and 21608  
the district's recomputed state education aid. The payment date 21609  
shall be determined by the director of budget and management. The 21610  
director shall select a payment date that is not earlier than the 21611  
first day of June of the current fiscal year and not later than 21612  
the thirty-first day of July of the following fiscal year. The 21613  
department of education shall not pay the district under this 21614  
section prior to approval by the director of budget and management 21615  
to make that payment. 21616

(D) If a school district received a grant from the 21617  
catastrophic expenditures account pursuant to division (C) of 21618  
section 3316.20 of the Revised Code on the basis of the same 21619  
circumstances for which a recomputation is made under this 21620  
section, the amount of the recomputation shall be reduced and 21621

transferred in accordance with division (C) of section 3316.20 of the Revised Code. 21622  
21623

**Sec. 3317.029.** (A) As used in this section: 21624

(1) "Poverty percentage" means the quotient obtained by 21625  
dividing the ~~five-year~~ average number of children ages five to 21626  
seventeen residing in the school district and living in a family 21627  
receiving assistance under the Ohio works first program or an 21628  
antecedent program known as TANF or ADC for the preceding five 21629  
years, as certified or adjusted under section 3317.10 of the 21630  
Revised Code, by the district's three-year average formula ADM. 21631

(2) "Statewide poverty percentage" means the ~~five-year~~ 21632  
average of the total number of children ages five to seventeen 21633  
years residing in the state and receiving assistance under the 21634  
Ohio works first program or an antecedent program known as TANF or 21635  
ADC for the preceding five years, divided by the sum of the 21636  
three-year average formula ADMs for all school districts in the 21637  
state. 21638

(3) "Poverty index" means the quotient obtained by dividing 21639  
the school district's poverty percentage by the statewide poverty 21640  
percentage. 21641

(4) "Poverty student count" means the ~~five-year~~ average 21642  
number of children ages five to seventeen residing in the school 21643  
district and living in a family receiving assistance under the 21644  
Ohio works first program or an antecedent program known as TANF or 21645  
ADC for the preceding five years, as certified under section 21646  
3317.10 of the Revised Code. 21647

(5) "Kindergarten ADM" means the number of students reported 21648  
under section 3317.03 of the Revised Code as enrolled in 21649  
kindergarten, excluding any kindergarten students reported under 21650  
division (B)(3)(e), (f), or (g) of section 3317.03 of the Revised 21651

Code.	21652
(6) "Kindergarten through third grade ADM" means the amount calculated as follows:	21653 21654
(a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage;	21655 21656
(b) Add the number of students in grades one through three;	21657
(c) Subtract from the sum calculated under division (A)(6)(b) of this section the number of special education students in grades kindergarten through three.	21658 21659 21660
"Kindergarten through third grade ADM" shall not include any students reported under division (B)(3)(e), (f), or (g) of section 3317.03 of the Revised Code.	21661 21662 21663
(7) "All-day kindergarten" means a kindergarten class that is in session five days per week for not less than the same number of clock hours each day as for pupils in grades one through six.	21664 21665 21666
(8) "All-day kindergarten percentage" means the percentage of a district's actual total number of students enrolled in kindergarten who are enrolled in all-day kindergarten.	21667 21668 21669
(9) <u>"All-day kindergarten ADM" means the number of students reported under section 3317.03 of the Revised Code as enrolled in all-day kindergarten, excluding any kindergarten students reported under division (B)(3)(e), (f), or (g) of that section.</u>	21670 21671 21672 21673
(10) <u>"Academic distress percentage" means the quotient of the number of district-operated buildings in the school district designated under section 3302.03 of the Revised Code as in a state of academic watch or academic emergency, divided by the total number of buildings in the district that were open for instruction during the same school year to which the ratings apply.</u>	21674 21675 21676 21677 21678 21679
(11) <u>"Statewide academic distress percentage" means the quotient of the statewide number of school district buildings and</u>	21680 21681

community schools designated under section 3302.03 of the Revised Code as in a state of academic watch or academic emergency, divided by the statewide total number of school district buildings and community schools that were open for instruction during the same school year to which the ratings apply. 21682  
21683  
21684  
21685  
21686

(12) "Academic distress index" means the quotient of the school district's academic distress percentage, divided by the statewide academic distress percentage. 21687  
21688  
21689

(13) "Buildings with the highest concentration of need" means the school buildings in a district with that meet either of the following criteria: 21690  
21691  
21692

(a) Are in school improvement status pursuant to the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code; 21693  
21694  
21695

(b) Have 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. However, the district shall give priority to any of those buildings that have been declared to be in a state of academic watch or academic emergency under section 3302.03 of the Revised Code. 21696  
21697  
21698  
21699  
21700  
21701  
21702

If, in any fiscal year, the information provided by the department of job and family services under section 3317.10 of the Revised Code is insufficient to determine the Ohio works first percentage in each building, "buildings with the highest concentration of need" has the meaning given in rules that the department of education shall adopt. The rules shall base the definition of "buildings with the highest concentration of need" on family income of students in grades kindergarten through three in a manner that, to the extent possible with available data, approximates the intent of this division and division (K) of this 21703  
21704  
21705  
21706  
21707  
21708  
21709  
21710  
21711  
21712

~~section~~ to designate buildings where the Ohio works first 21713  
percentage ~~in those grades~~ equals or exceeds the district-wide 21714  
Ohio works first percentage. 21715

(B) ~~In addition to the amounts required to be paid to a~~ 21716  
~~school district under section 3317.022 of the Revised Code, the~~ 21717  
The department of education shall compute ~~and distribute to for~~ 21718  
each school district for poverty-based assistance the ~~greater of~~ 21719  
~~the following:~~ 21720

~~(1) The amount the district received in fiscal year 2005 for~~ 21721  
~~disadvantaged pupil impact aid pursuant to Section 41.10 of Am.~~ 21722  
~~Sub. H.B. 95 of the 125th general assembly, as amended, minus the~~ 21723  
~~amount deducted from the district under Section 16 of Am. Sub.~~ 21724  
~~S.B. 2 of the 125th general assembly that year for payments to~~ 21725  
~~internet and computer based community schools;~~ 21726

~~(2) The sum of the computations made under divisions (C) to~~ 21727  
~~(I)(J) of this section and shall pay that sum to the district in~~ 21728  
accordance with division (A) of section 3317.022 of the Revised 21729  
Code. 21730

(C) A payment for academic intervention programs, if the 21731  
district's poverty index is greater than or equal to 0.25, 21732  
calculated as follows: 21733

(1) If the district's poverty index is greater than or equal 21734  
to 0.25, calculate the district's level one amount for large-group 21735  
academic intervention for all students as follows: 21736

(a) If the district's poverty index is greater than or equal 21737  
to 0.25 but less than 0.75: 21738

large-group intervention units X hourly rate X 21739

level one hours X [(poverty index - 0.25)/0.5] 21740

~~X phase in percentage~~ 21741

Where: 21742

(i) "Large-group intervention units" equals the district's formula ADM divided by 20;	21743 21744
(ii) "Hourly rate" equals <del>\$20.00</del> <u>\$21.01</u> in fiscal year <del>2006</del> <u>2008</u> and <del>\$20.40</del> <u>\$21.64</u> in fiscal year <del>2007</del> <u>2009</u> ;	21745 21746
(iii) "Level one hours" equals 25 hours <del>7</del>	21747
<del>(iv) "Phase in percentage" equals 0.60 in fiscal year 2006 and 1.00 in fiscal year 2007.</del>	21748 21749
(b) If the district's poverty index is greater than or equal to 0.75:	21750 21751
large-group intervention units X hourly rate X	21752
level one hours <del>X phase in percentage</del>	21753
Where "large-group intervention units," "hourly rate," <u>and</u> "level one hours <del>7</del> ," <del>and "phase in percentage"</del> have the same meanings as in division (C)(1)(a) of this section.	21754 21755 21756
(2) If the district's poverty index is greater than or equal to 0.75, calculate the district's level two amount for medium-group academic intervention for all students as follows:	21757 21758 21759
(a) If the district's poverty index is greater than or equal to 0.75 but less than 1.50:	21760 21761
medium-group intervention units X hourly rate	21762
X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]}	21763
<del>X phase in percentage</del>	21764
Where:	21765
(i) "Medium group intervention units" equals the district's formula ADM divided by 15;	21766 21767
(ii) "Hourly rate <del>7</del> ," <u>and</u> "level one hours <del>7</del> ," <del>and "phase in percentage"</del> have the same meanings as in division (C)(1)(a) of this section.	21768 21769 21770
(b) If the district's poverty index is greater than or equal to 1.50:	21771 21772

medium-group intervention units X hourly rate X 21773

level two hours X ~~phase in percentage~~ 21774

Where: 21775

(i) "Medium group intervention units" has the same meaning as 21776  
in division (C)(2)(a)(i) of this section; 21777

(ii) "Hourly rate" ~~and "phase in percentage"~~ have has the 21778  
same ~~meanings~~ meaning as in division (C)(1)(a) of this section; 21779

(iii) "Level two hours" equals 50 hours. 21780

(3) If the district's poverty index is greater than or equal 21781  
to 1.50, calculate the district's level three amount for 21782  
small-group academic intervention for impoverished students as 21783  
follows: 21784

(a) If the district's poverty index is greater than or equal 21785  
to 1.50 but less than 2.50: 21786

small group intervention units X hourly rate X 21787

{level one hours + [level three hours X 21788

(poverty index - 1.50)]} X ~~phase in percentage~~ 21789

Where: 21790

(i) "Small group intervention units" equals the quotient of 21791  
(the district's poverty student count times 3) divided by 10; 21792

(ii) "Hourly rate," and "level one hours," ~~and "phase in~~ 21793  
~~percentage"~~ have the same meanings as in division (C)(1)(a) of 21794  
this section; 21795

(iii) "Level three hours" equals 135 hours. 21796

(b) If the district's poverty index is greater than or equal 21797  
to 2.50: 21798

small group intervention units X hourly rate 21799

X level three hours X ~~phase in percentage~~ 21800

Where: 21801

(i) "Small group intervention units" has the same meaning as 21802  
in division (C)(3)(a)(i) of this section; 21803

(ii) "Hourly rate" ~~and "phase-in percentage"~~ have has the 21804  
same ~~meanings~~ meaning as in division (C)(1)(a) of this section; 21805

(iii) "Level three hours" equals 160 hours. 21806

Any district that receives funds under division (C)(2) or (3) 21807  
of this section annually shall submit to the department of 21808  
education by a date established by the department a plan 21809  
describing how the district will deploy those funds. The 21810  
deployment measures described in that plan shall comply with any 21811  
applicable spending requirements prescribed in ~~division (J)(6)~~ of 21812  
this section or with any order issued by the superintendent of 21813  
public instruction under section 3317.017 of the Revised Code. 21814

(D) A payment for all-day kindergarten if the poverty index 21815  
of the school district is greater than or equal to 1.0 or if the 21816  
district's three-year average formula ADM exceeded seventeen 21817  
thousand five hundred. In addition, the department shall make a 21818  
payment under this division to any school district that, in a 21819  
prior fiscal year, qualified for this payment and provided all-day 21820  
kindergarten, regardless of changes to the district's poverty 21821  
index. The department shall calculate the payment under this 21822  
division by multiplying the all-day ~~kindergarten percentage by the~~ 21823  
kindergarten ADM ~~and multiplying that product~~ by the formula 21824  
amount. 21825

(E) A ~~class-size reduction~~ payment for increased classroom 21826  
learning opportunities based on calculating the number of new 21827  
teachers necessary to achieve a lower student-teacher ratio, as 21828  
follows: 21829

(1) Determine or calculate a formula number of teachers per 21830  
one thousand students based on the poverty index of the school 21831  
district as follows: 21832

(a) If the poverty index of the school district is less than 21833  
1.0, the formula number of teachers is 50.0, which is the number 21834  
of teachers per one thousand students at a student-teacher ratio 21835  
of twenty to one; 21836

(b) If the poverty index of the school district is greater 21837  
than or equal to 1.0, but less than 1.5, the formula number of 21838  
teachers is calculated as follows: 21839

$$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\} \quad 21840$$

Where 50.0 is the number of teachers per one thousand 21841  
students at a student-teacher ratio of twenty to one; 0.5 is the 21842  
interval from a poverty index of 1.0 to a poverty index of 1.5; 21843  
and 16.667 is the difference in the number of teachers per one 21844  
thousand students at a student-teacher ratio of fifteen to one and 21845  
the number of teachers per one thousand students at a 21846  
student-teacher ratio of twenty to one. 21847

(c) If the poverty index of the school district is greater 21848  
than or equal to 1.5, the formula number of teachers is 66.667, 21849  
which is the number of teachers per one thousand students at a 21850  
student-teacher ratio of fifteen to one. 21851

(2) Multiply the formula number of teachers determined or 21852  
calculated in division (E)(1) of this section by the kindergarten 21853  
through third grade ADM for the district and divide that product 21854  
by one thousand; 21855

(3) Calculate the number of new teachers as follows: 21856

(a) Multiply the kindergarten through third grade ADM by 21857  
50.0, which is the number of teachers per one thousand students at 21858  
a student-teacher ratio of twenty to one, and divide that product 21859  
by one thousand; 21860

(b) Subtract the quotient obtained in division (E)(3)(a) of 21861  
this section from the product in division (E)(2) of this section. 21862

(4) Multiply the greater of the difference obtained under 21863  
division (E)(3) of this section or zero by the statewide average 21864  
teachers compensation. For this purpose, the "statewide average 21865  
teacher compensation" is ~~\$53,680~~ \$56,754 in fiscal year ~~2006~~ 2008 21866  
and ~~\$54,941~~ \$58,621 in fiscal year ~~2007~~ 2009, which includes an 21867  
amount for the value of fringe benefits. 21868

(F) A payment for services to limited English proficient 21869  
students, if the district's poverty index is greater than or equal 21870  
to 1.0 and the proportion of its students who are limited English 21871  
proficient, as reported in 2003 on its school district report 21872  
issued under section 3302.03 of the Revised Code for the 2002-2003 21873  
school year, is greater than or equal to 2.0%, calculated as 21874  
follows: 21875

(1) If the district's poverty index is greater than or equal 21876  
to 1.0, but less than 1.75, determine the amount per limited 21877  
English proficient student as follows: 21878

$$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0)/0.75)]\} \quad 21879$$

X formula amount 21880

(2) If the district's poverty index is greater than or equal 21881  
to 1.75, the amount per limited English proficient student equals: 21882  
0.25 X formula amount 21883

(3) Multiply the per student amount determined for the 21884  
district under division (F)(1) or (2) of this section by the 21885  
number of the district's limited English proficient students, 21886  
times a phase-in percentage of ~~0.40 in fiscal year 2006~~ and 0.70 21887  
in fiscal ~~year 2007~~ years 2008 and 2009. For purposes of this 21888  
calculation, the number of limited English proficient students for 21889  
each district shall be the number determined by the department 21890  
when it calculated the district's percentage of limited English 21891  
proficient students for its school district report card issued in 21892  
2003 for the 2002-2003 school year. 21893

~~Not later than December 31, 2006, the department of education shall recommend to the general assembly and the director of budget and management a method of identifying the number of limited English proficient students for purposes of calculating payments under this division after fiscal year 2007.~~

(G) A payment for professional development of teachers, if the district's poverty index is greater than or equal to 1.0, calculated as follows:

(1) If the district's poverty index is greater than or equal to 1.0, but less than 1.75, determine the amount per teacher as follows:

$[(\text{poverty index} - 1.0)/0.75] \times 0.045 \times \text{formula amount}$

(2) If the district's poverty index is greater than or equal to 1.75, the amount per teacher equals:

$0.045 \times \text{formula amount}$

(3) Determine the number of teachers, as follows:

$(\text{formula ADM}/17)$

(4) Multiply the per teacher amount determined for the district under division (G)(1) or (2) of this section by the number of teachers determined under division (G)(3) of this section, ~~times a phase in percentage of 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.~~

(H) A payment for dropout prevention, if the district is a big eight school district as defined in section 3314.02 of the Revised Code, calculated as follows:

$0.005 \times \text{formula amount} \times \text{poverty index}$

$\times \text{formula ADM} \times \text{phase in percentage}$

~~Where "phase in percentage" equals 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.~~

(I) An amount for community outreach, if the district is an

urban school district as defined in section 3314.02 of the Revised Code, calculated as follows:

$$0.005 \times \text{formula amount} \times \text{poverty index} \times \text{formula ADM} \times \text{phase in percentage}$$

Where "phase in percentage" equals 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.

(J) A payment for assistance in closing the achievement gap, if the district's poverty index is greater than or equal to 1.0 and its academic distress index is greater than or equal to 1.0, as determined based on the most recent report card issued under section 3302.03 of the Revised Code prior to the beginning of the fiscal year, calculated as follows:

(1) In fiscal year 2008:

$$\text{poverty index} \times \text{academic distress index} \times (0.0015 \times \text{formula amount}) \times \text{formula ADM}$$

(2) In fiscal year 2009:

(a) If the district's academic distress percentage is less than its academic distress percentage used for the prior fiscal year:

$$\text{poverty index} \times \text{academic distress index} \times (0.0015 \times \text{formula amount}) \times \text{formula ADM} \times 1.035$$

(b) If the district's academic distress percentage is greater than or equal to its academic distress percentage used for the prior fiscal year:

$$\text{poverty index} \times \text{academic distress index} \times (0.0015 \times \text{formula amount}) \times \text{formula ADM}$$

(K) This division applies only to school districts whose poverty index is 1.0 or greater. that receive more than ten thousand dollars under this section. Except as provided in division (L) of this section with respect to funds paid under division (J)(2)(b) of this section, in division (M)(2) of this

section with respect to funds paid under division (D) of this 21955  
section, and in division (O) of this section, each such district 21956  
shall use funds paid under this section only for one or more of 21957  
the following purposes: 21958

(1) ~~Each school district subject to this division shall first~~ 21959  
~~utilize funds received under this section so that, when combined~~ 21960  
~~with other funds of the district, sufficient funds exist to~~ To 21961  
provide all-day kindergarten to at least the number of children in 21962  
the district's all-day kindergarten percentage. ~~To satisfy this~~ 21963  
~~requirement, a district may use funds paid under division (C),~~ 21964  
~~(F), (G), (H), or (I) of this section to provide all day~~ 21965  
~~kindergarten in addition to the all day kindergarten payment under~~ 21966  
~~division (D) of this section.~~ ADM; 21967

(2) ~~Except as permitted under division (J)(1) of this~~ 21968  
~~section, each school district shall use its payment under division~~ 21969  
~~(F) of this section for~~ To provide services to students with 21970  
limited English proficiency through one or more of the following 21971  
purposes activities: 21972

(a) ~~To hire~~ Hiring teachers for limited English proficient 21973  
students or other personnel to provide intervention services for 21974  
those students; 21975

(b) ~~To contract~~ Contracting for intervention services for 21976  
those students; 21977

(c) ~~To provide~~ Providing other services to assist those 21978  
students in passing the third-grade reading achievement test, and 21979  
to provide for those students the intervention services required 21980  
by section 3313.608 of the Revised Code. 21981

(3) ~~Except as permitted under division (J)(1) of this~~ 21982  
~~section, each school district shall use its payment under division~~ 21983  
~~(G) of this section for~~ To provide professional development of 21984  
teachers or other licensed personnel providing educational 21985

services to students only in one or more of the following areas:	21986
(a) Data-based decision making;	21987
(b) Standards-based curriculum models;	21988
(c) <del>Job-embedded</del> <u>High quality</u> professional development	21989
activities that are research-based, as defined <del>in federal law</del> <u>by</u>	21990
<u>state standards developed under section 3319.61 of the Revised</u>	21991
<u>Code;</u>	21992
(d) <u>Professional learning communities.</u>	21993
In addition, each district <u>that elects to use funds paid</u>	21994
<u>under this section for professional development</u> shall <del>use the</del>	21995
<del>payment</del> only to implement programs identified on a list of	21996
eligible professional development programs provided by the	21997
department of education. The department annually shall provide the	21998
list to each district receiving a payment under <del>division (G) of</del>	21999
this section. <del>However, a district may apply to the department for</del>	22000
<del>a waiver to implement an alternative professional development</del>	22001
<del>program in one or more of the areas specified in divisions</del>	22002
<del>(J)(3)(a) to (c) of this section. If the department grants the</del>	22003
<del>waiver, the district may use its payment under division (G) of</del>	22004
<del>this section to implement the alternative program.</del>	22005
(4) <del>Except as permitted under division (J)(1) of this</del>	22006
<del>section, each big eight school district shall use its payment</del>	22007
<del>under division (H) of this section either for</del> <u>For</u> preventing	22008
at-risk students from dropping out of school, <del>for safety and</del>	22009
<del>security measures described in division (J)(5)(b) of this section,</del>	22010
<del>for academic intervention services described in division (J)(6) of</del>	22011
<del>this section, or for a combination of those purposes. Not later</del>	22012
than September 1, <del>2005</del> <u>2007</u> , the department of education shall	22013
provide each <del>big eight</del> school district <u>receiving a payment under</u>	22014
<u>this section</u> with a list of dropout prevention programs that it	22015
has determined are successful. The department subsequently may	22016

update the list. Each district that elects to use its payment 22017  
under ~~division (H) of this section for dropout prevention shall~~ 22018  
use the payment only to implement a dropout prevention program 22019  
specified on the department's list. ~~However, a district may apply~~ 22020  
~~to the department for a waiver to implement an alternative dropout~~ 22021  
~~prevention program. If the department grants the waiver, the~~ 22022  
~~district may use its payment under division (H) of this section to~~ 22023  
~~implement the alternative program.~~ 22024

(5) ~~Except as permitted under division (J)(1) of this~~ 22025  
~~section, each urban school district that has a poverty index~~ 22026  
~~greater than or equal to 1.0 shall use its payment under division~~ 22027  
~~(I) of this section for~~ For one or a combination both of the 22028  
following purposes: 22029

(a) To hire or contract for community liaison officers, 22030  
attendance or truant officers, or safety and security personnel; 22031

(b) To implement programs designed to ensure that schools are 22032  
free of drugs and violence and have a disciplined environment 22033  
conducive to learning; 22034

~~(c) To implement academic intervention services described in~~ 22035  
~~division (J)(6) of this section.~~ 22036

(6) ~~Except as permitted under division (J)(1) of this~~ 22037  
~~section, each school district with a poverty index greater than or~~ 22038  
~~equal to 1.0 shall use the amount of its payment under division~~ 22039  
~~(C) of this section, and may use any amount of its payment under~~ 22040  
~~division (H) or (I) of this section, for~~ For academic intervention 22041  
services for students who have failed or are in danger of failing 22042  
any of the tests administered pursuant to section 3301.0710 of the 22043  
Revised Code, including intervention services required by section 22044  
3313.608 of the Revised Code. ~~Except as permitted under division~~ 22045  
~~(J)(1) of this section, no district shall spend any portion of its~~ 22046  
~~payment under division (C) of this section for any other purpose.~~ 22047

~~Notwithstanding any provision to the contrary in Chapter 4117. of 22048  
the Revised Code, no collective bargaining agreement entered into 22049  
after June 30, 2005, shall require use of the payment for any 22050  
other purpose. 22051~~

~~(7) Except as otherwise required by division (K) or permitted 22052  
under division (O) of this section, all remaining funds 22053  
distributed under this section to districts with a poverty index 22054  
greater than or equal to 1.0 shall be utilized for the purpose of 22055  
the third grade guarantee. The third grade guarantee consists of 22056  
For increased classroom learning opportunities by increasing the 22057  
amount of instructional attention received per pupil in 22058  
kindergarten through third grade, either by reducing the ratio of 22059  
students to instructional personnel or by increasing the amount of 22060  
instruction and curriculum-related activities by extending the 22061  
length of the school day or the school year. 22062~~

School districts may implement a reduction of the ratio of 22063  
students to instructional personnel through any or all of the 22064  
following methods: 22065

(a) Reducing the number of students in a classroom taught by 22066  
a single teacher; 22067

(b) Employing full-time educational aides or educational 22068  
paraprofessionals issued a permit or license under section 22069  
3319.088 of the Revised Code; 22070

(c) Instituting a team-teaching method that will result in a 22071  
lower student-teacher ratio in a classroom. 22072

Districts may extend the school day either by increasing the 22073  
amount of time allocated for each class, increasing the number of 22074  
classes provided per day, offering optional academic-related 22075  
after-school programs, providing curriculum-related extra 22076  
curricular activities, or establishing tutoring or remedial 22077  
services for students who have demonstrated an educational need. 22078

In accordance with section 3319.089 of the Revised Code, a 22079  
district extending the school day pursuant to this division may 22080  
utilize a participant of the work experience program who has a 22081  
child enrolled in a public school in that district and who is 22082  
fulfilling the work requirements of that program by volunteering 22083  
or working in that public school. If the work experience program 22084  
participant is compensated, the school district may use the funds 22085  
distributed under this section for all or part of the 22086  
compensation. 22087

Districts may extend the school year either through adding 22088  
regular days of instruction to the school calendar or by providing 22089  
summer programs. 22090

~~(K) Each district shall not expend any funds received under 22091  
division (E) of this section in any school buildings that are not 22092  
buildings with the highest concentration of need, unless there is 22093  
a ratio of instructional personnel to students of no more than 22094  
fifteen to one in each kindergarten and first grade class in all 22095  
buildings with the highest concentration of need. This division 22096  
does not require that the funds used in buildings with the highest 22097  
concentration of need be spent solely to reduce the ratio of 22098  
instructional personnel to students in kindergarten and first 22099  
grade. A school district may spend the funds in those buildings in 22100  
any manner permitted by division (J)(7) of this section, but may 22101  
not spend the money in other buildings unless the fifteen to one 22102  
ratio required by this division is attained. 22103~~

~~(L)(1) By the first day of August of each fiscal year, each 22104  
(8) For early childhood programs or early learning programs, as 22105  
defined by the department of education, for children age three or 22106  
four who are not eligible for kindergarten; 22107~~

(9) To furnish, free of charge, materials used in courses of 22108  
instruction, except for the necessary textbooks or electronic 22109  
textbooks required to be furnished without charge pursuant to 22110

section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code; 22111  
22112  
22113

(10) For programs designed to reduce nonacademic barriers to learning, in accordance with guidelines developed by the department of education; 22114  
22115  
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(11) For school nutrition programs provided pursuant to section 3313.813 of the Revised Code. 22117  
22118

However, a school district may apply to the department, in the form and manner prescribed by the department, for a waiver to spend funds paid under this section for programs not described in divisions (K)(1) to (11) of this section. The waiver application shall specify the rationale for the alternative expenditure and the intended benefits for disadvantaged students. If the department grants the waiver, the district may use funds paid under this section to implement the alternative program. 22119  
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(L) This division applies only to funds paid under division (J)(2)(b) of this section. 22127  
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(1) If applicable, each school district shall use the funds for any necessary expenses for the continued operation of a school district academic distress commission appointed under section 3302.10 of the Revised Code. 22129  
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(2) After satisfying the requirement of division (L)(1) of this section, each district shall spend the remaining funds only for one or more of the following purposes and only in buildings with the highest concentration of need: 22133  
22134  
22135  
22136

(a) Assistance in improving student performance; 22137

(b) Professional development for teachers and administrators; 22138

(c) Assistance in recruiting and retaining teachers and administrators. 22139  
22140

~~(M)(1) Each school district wishing to receive any funds under division (D) of this section shall submit to the department of education an estimate of its the number of students attending all-day kindergarten percentage when reporting formula ADM under section 3317.03 of the Revised Code. Each district shall update its estimate throughout the fiscal year in the form and manner required by the department, and the department shall adjust payments under this section to reflect the updates.~~ 22141  
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~~(2) Annually by the end of December, the department of education, utilizing data from the information system established under section 3301.0714 of the Revised Code, shall determine for each school district subject to division (J) of this section whether in the preceding fiscal year the district's ratio of instructional personnel to students and its number of kindergarten students receiving all day kindergarten appear reasonable, given the amounts of money the district received for that fiscal year pursuant to divisions (D) and (E) of this section. If the department is unable to verify from the data available that students are receiving reasonable amounts of instructional attention and all day kindergarten, given the funds the district has received under this section and that class size reduction funds are being used in school buildings with the highest concentration of need as required by division (K) of this section, the department shall conduct a more intensive investigation to ensure that funds have been expended as required by this section. The department shall file an annual report of its findings under this division with the chairpersons of the committees in each house of the general assembly dealing with finance and education.~~ 22149  
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~~(M)(1)(2) Each school district with a poverty index less than 1.0 that receives a payment under division (D) of this section shall first utilize funds received under this section so that , when combined with other funds of the district, sufficient funds~~ 22169  
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~~exist division to provide all-day kindergarten to at least the~~ 22173  
~~number of children in the district's all day kindergarten~~ 22174  
~~percentage. To satisfy this requirement, a district may use funds~~ 22175  
~~paid under division (C) or (I) of this section to provide all day~~ 22176  
~~kindergarten in addition to the all day kindergarten payment under~~ 22177  
~~division (D) of this section.~~ 22178

~~(2) Except as permitted under division (M)(1) of this~~ 22179  
~~section, each school district with a poverty index less than 1.0~~ 22180  
~~that receives a payment under division (C) of this section shall~~ 22181  
~~use its payment under that division in accordance with all~~ 22182  
~~requirements of division (J)(6) of this section.~~ 22183

~~(3) Except as permitted under division (M)(1) of this~~ 22184  
~~section, each school district with a poverty index less than 1.0~~ 22185  
~~that receives a payment under division (I) of this section shall~~ 22186  
~~use its payment under that division for one or a combination of~~ 22187  
~~the following purposes:~~ 22188

~~(a) To hire or contract for community liaison officers,~~ 22189  
~~attendance or truant officers, or safety and security personnel;~~ 22190

~~(b) To implement programs designed to ensure that schools are~~ 22191  
~~free of drugs and violence and have a disciplined environment~~ 22192  
~~conducive to learning;~~ 22193

~~(c) To implement academic intervention services described in~~ 22194  
~~division (J)(6) of this section.~~ 22195

~~(4) Each school district to which division (M)(1), (2), or~~ 22196  
~~(3) of this section applies shall expend the remaining funds~~ 22197  
~~received under this section, and any other district with a poverty~~ 22198  
~~index less than 1.0 shall expend all funds received under this~~ 22199  
~~section, for any of the following purposes:~~ 22200

~~(a) The purchase of technology for instructional purposes for~~ 22201  
~~remediation;~~ 22202

<del>(b) All day kindergarten;</del>	22203
<del>(c) Reduction of class sizes in grades kindergarten through three, as described in division (J)(7) of this section;</del>	22204 22205
<del>(d) Summer school remediation;</del>	22206
<del>(e) Dropout prevention programs approved by the department of education under division (J)(4) of this section;</del>	22207 22208
<del>(f) Guaranteeing that all third graders are ready to progress to more advanced work;</del>	22209 22210
<del>(g) Summer education and work programs;</del>	22211
<del>(h) Adolescent pregnancy programs;</del>	22212
<del>(i) Head start, preschool, early childhood education, or early learning programs;</del>	22213 22214
<del>(j) Reading improvement and remediation programs described by the department of education;</del>	22215 22216
<del>(k) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;</del>	22217 22218 22219
<del>(l) Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code;</del>	22220 22221 22222 22223 22224 22225
<del>(m) School breakfasts provided pursuant to section 3313.813 of the Revised Code.</del>	22226 22227
(N) If at any time the superintendent of public instruction determines that a school district receiving funds under division (D) of this section has enrolled <del>less</del> <u>fewer</u> than the <u>number of</u> all-day kindergarten <del>percentage</del> <u>students</u> reported for that fiscal	22228 22229 22230 22231

year, the superintendent shall withhold from the funds otherwise 22232  
due the district under this section a proportional amount as 22233  
determined by the difference in the certified all-day kindergarten 22234  
~~percentage ADM and the percentage actually enrolled in actual~~ 22235  
all-day kindergarten ADM. 22236

The superintendent shall also withhold an appropriate amount 22237  
of funds otherwise due a district for any other misuse of funds 22238  
not in accordance with this section. 22239

(O)(1) A district may use a portion of the funds ~~calculated~~ 22240  
~~for it paid~~ under ~~division (D)~~ of this section to modify or 22241  
purchase classroom space to provide all-day kindergarten, if both 22242  
of the following conditions are met: 22243

(a) The district certifies to the department, in a manner 22244  
acceptable to the department, that it has a shortage of space for 22245  
providing all-day kindergarten. 22246

(b) The district provides all-day kindergarten to the number 22247  
of children in the all-day kindergarten percentage it certified 22248  
under this section. 22249

(2) A district may use a portion of the funds ~~described in~~ 22250  
~~division (J)(7) of~~ paid under this section to modify or purchase 22251  
classroom space to enable it to further reduce class size in 22252  
grades kindergarten through two with a goal of attaining class 22253  
sizes of fifteen students per licensed teacher. To do so, the 22254  
district must certify its need for additional space to the 22255  
department, in a manner satisfactory to the department. 22256

(P) Not later than the thirtieth day of September each year, 22257  
each school district paid under this section shall report to the 22258  
department, in the form and manner prescribed by the department, 22259  
how the district deployed funds received under this section in the 22260  
prior fiscal year. If a school district does not meet adequate 22261  
progress standards as defined by the department, the department 22262

shall make recommendations to the district for deploying funds 22263  
under this section in a more effective manner. 22264

**Sec. 3317.0216.** (A) As used in this section: 22265

(1) "Total taxes charged and payable for current expenses" 22266  
means the sum of the taxes charged and payable as certified under 22267  
division (A)(3)(a) of section 3317.021 of the Revised Code less 22268  
any amounts reported under division (A)(3)(b) of that section, and 22269  
the tax distribution for the preceding year under any school 22270  
district income tax levied by the district pursuant to Chapter 22271  
5748. of the Revised Code to the extent the revenue from the 22272  
income tax is allocated or apportioned to current expenses. 22273

(2) "Charge-off amount" means two and three-tenths per cent 22274  
multiplied by (the sum of recognized valuation and property 22275  
exemption value). 22276

(3) Until fiscal year 2003, the "actual local share of 22277  
special education, transportation, and vocational education 22278  
funding" for any school district means the sum of the district's 22279  
attributed local shares described in divisions (F)(1) to (3) of 22280  
section 3317.022 of the Revised Code. Beginning in fiscal year 22281  
2003, the "actual local share of special education, 22282  
transportation, and vocational education funding" means that sum 22283  
minus the amount of any excess cost supplement payment calculated 22284  
for the district under division (F) of section 3317.022 of the 22285  
Revised Code. 22286

~~(4) "Current expense revenues from the tangible property tax 22287  
replacement fund" means payments received from the school district 22288  
tangible property tax replacement fund or the general revenue fund 22289  
under section 5751.21 of the Revised Code for fixed rate levies 22290  
for current expenses and for fixed sum levies for current 22291  
expenses, including school district emergency levies under 22292  
sections 5705.194 to 5705.197 of the Revised Code.~~ 22293

(B) Upon receiving the certifications under section 3317.021 22294  
of the Revised Code, the department of education shall determine 22295  
for each city, local, and exempted village school district whether 22296  
the district's charge-off amount is greater than ~~the sum of the~~ 22297  
district's total taxes charged and payable for current expenses 22298  
~~and current expense revenues from the tangible property tax~~ 22299  
~~replacement fund~~, and if the charge-off amount is greater, shall 22300  
pay the district the amount of the difference. A payment shall not 22301  
be made to any school district for which the computation under 22302  
division (A) of section 3317.022 of the Revised Code equals zero. 22303

(C)(1) If a district's charge-off amount is equal to or 22304  
greater than ~~the sum of~~ its total taxes charged and payable for 22305  
current expenses ~~and current expense revenues from the tangible~~ 22306  
~~property tax replacement fund~~, the department shall, in addition 22307  
to the payment required under division (B) of this section, pay 22308  
the district the amount of its actual local share of special 22309  
education, transportation, and vocational education funding. 22310

(2) If a district's charge-off amount is less than ~~the sum of~~ 22311  
its total taxes charged and payable for current expenses ~~and~~ 22312  
~~current expense revenues from the tangible property tax~~ 22313  
~~replacement fund~~, the department shall pay the district any amount 22314  
by which its actual local share of special education, 22315  
transportation, and vocational education funding exceeds ~~the sum~~ 22316  
~~of~~ its total taxes charged and payable for current expenses ~~and~~ 22317  
~~current expense revenues from the tangible property tax~~ 22318  
~~replacement fund~~ minus its charge-off amount. 22319

(D) If a school district that received a payment under 22320  
division (B) or (C) of this section in the prior fiscal year is 22321  
ineligible for payment under those divisions in the current fiscal 22322  
year, the department shall determine if the ineligibility is the 22323  
result of a property tax or income tax levy approved by the 22324  
district's voters to take effect in tax year 2005 or thereafter. 22325

If the department determines that is the case, and calculates that 22326  
the levy causing the ineligibility exceeded by at least one mill 22327  
the equivalent millage of the prior year's payment under divisions 22328  
(B) and (C) of this section, the department shall make a payment 22329  
to the district for the first three years that the district loses 22330  
eligibility for payment under divisions (B) and (C) of this 22331  
section, as follows: 22332

(1) In the first year of ineligibility, the department shall 22333  
pay the district seventy-five per cent of the amount it last paid 22334  
the district under divisions (B) and (C) of this section. 22335

(2) In the second year of ineligibility, the department shall 22336  
pay the district fifty per cent of the amount it last paid the 22337  
district under those divisions. 22338

(3) In the third year of ineligibility, the department shall 22339  
pay the district twenty-five per cent of the amount it last paid 22340  
the district under those divisions. 22341

(E) A district that receives payment under division (D) of 22342  
this section and subsequently qualifies for payment under division 22343  
(B) or (C) of this section is ineligible for future payments under 22344  
division (D) of this section. 22345

(F) To enable the department of education to make the 22346  
determinations and to calculate payments under division (D) of 22347  
this section, on ~~the effective date of this amendment~~ March 30, 22348  
2006, and on or before the first day of March of each year 22349  
thereafter, the department shall send to the tax commissioner a 22350  
list of school districts receiving payments under division (B) or 22351  
(C) of this section for the current fiscal year. On or before the 22352  
first day of the following June, the tax commissioner shall 22353  
certify to the department of education for those school districts 22354  
the information required by division (A)(8) of section 3317.021 of 22355  
the Revised Code. 22356

Sec. 3317.0217. The Payment of the amount calculated for a 22357  
school district under this section shall be made under division 22358  
(A) of section 3317.022 of the Revised Code. 22359

The department of education shall annually compute and pay 22360  
state parity aid to school districts, as follows: 22361

(A) Calculate the local wealth per pupil of each school 22362  
district, which equals the following sum: 22363

(1) Two-thirds times the quotient of (a) the district's 22364  
recognized valuation divided by (b) its formula ADM; plus 22365

(2) One-third times the quotient of (a) the average of the 22366  
total federal adjusted gross income of the school district's 22367  
residents for the three years most recently reported under section 22368  
3317.021 of the Revised Code divided by (b) its formula ADM. 22369

(B) Rank all school districts in order of local wealth per 22370  
pupil, from the district with the lowest local wealth per pupil to 22371  
the district with the highest local wealth per pupil. 22372

(C) Compute the per pupil state parity aid funding for each 22373  
eligible school district in accordance with the following formula: 22374

(threshold local wealth 22375  
per pupil - the district's local 22376  
wealth per pupil) X ~~0.0075~~ parity millage 22377

Where: 22378

~~(1) Seven and one half mills (0.0075) is an adjustment to the~~ 22379  
~~original parity aid standard of nine and one half mills, to~~ 22380  
~~account for the general assembly's policy decision to phase out~~ 22381  
~~use of the cost of doing business factor in the base cost formula~~ 22382  
In fiscal year 2008, an "eligible school district" means a school 22383  
district with a local wealth per pupil less than that of the 22384  
school district with the four-hundred-eleventh lowest local wealth 22385  
per pupil. In fiscal year 2009, an "eligible school district" 22386

means a school district with a local wealth per pupil less than 22387  
that of the school district with the three-hundred-sixty-eighth 22388  
lowest local wealth per pupil. 22389

(2) The "threshold local wealth per pupil" is the local 22390  
wealth per pupil of the school district with the 22391  
four-hundred-ninetieth lowest local wealth per pupil. 22392

(3) "Parity millage," in fiscal year 2008, equals 0.0080 and, 22393  
in fiscal year 2009, equals 0.0085. 22394

If the result of the calculation for a school district under 22395  
division (C) of this section is less than zero, the district's per 22396  
pupil parity aid shall be zero. 22397

(D) Compute the per pupil alternative parity aid for each 22398  
school district that has a combination of an income factor of 1.0 22399  
or less, a poverty index of 1.0 or greater, and a fiscal year 2005 22400  
cost-of-doing-business factor of 1.0375 or greater, in accordance 22401  
with the following formula: 22402

$$\begin{aligned} & \text{Payment percentage} \times \$60,000 \times 22403 \\ & (1 - \text{income factor}) \times 4/15 \times 0.023 22404 \end{aligned}$$

Where: 22405

(1) "Poverty index" has the same meaning as in section 22406  
3317.029 of the Revised Code. 22407

(2) "Payment percentage," for purposes of division (D) of 22408  
this section, equals 50% in fiscal year 2002 and 100% after fiscal 22409  
year 2002. 22410

(3) "Fiscal year 2005 cost-of-doing-business factor" means 22411  
the cost-of-doing-business factor in effect for fiscal year 2005 22412  
designated under former division (N) of section 3317.02 of the 22413  
Revised Code as that division existed in fiscal year 2005. 22414

(E) Pay each district that has a combination of an income 22415  
factor of 1.0 or less, a poverty index of 1.0 or greater, and a 22416

fiscal year 2005 cost-of-doing-business factor of 1.0375 or 22417  
greater, the greater of the following: 22418

(1) The product of the district's per pupil parity aid 22419  
calculated under division (C) of this section times its net 22420  
formula ADM; 22421

(2) The product of its per pupil alternative parity aid 22422  
calculated under division (D) of this section times its net 22423  
formula ADM. 22424

(F) Pay every other district the product of its per pupil 22425  
parity aid calculated under division (C) of this section times its 22426  
net formula ADM. 22427

(G) As used in divisions (E) and (F) of this section, "net 22428  
formula ADM" means formula ADM minus the number of internet- and 22429  
computer-based community school students and scholarship students 22430  
reported under divisions (B)(3)(e), (f), and (g) of section 22431  
3317.03 of the Revised Code. 22432

**Sec. 3317.03.** Notwithstanding divisions (A)(1), (B)(1), and 22433  
(C) of this section, except as provided in division (A)(2)(h) of 22434  
this section, any student enrolled in kindergarten more than half 22435  
time shall be reported as one-half student under this section. 22436

(A) The superintendent of each city and exempted village 22437  
school district and of each educational service center shall, for 22438  
the schools under the superintendent's supervision, certify to the 22439  
state board of education on or before the fifteenth day of October 22440  
in each year for the first full school week in October the formula 22441  
ADM. ~~Beginning in fiscal year 2007, each superintendent also shall~~ 22442  
~~certify to the state board, for the schools under the~~ 22443  
~~superintendent's supervision, the formula ADM for the first full~~ 22444  
~~week in February. If a school under the superintendent's~~ 22445  
~~supervision is closed for one or more days during that week due to~~ 22446

~~hazardous weather conditions or other circumstances described in 22447  
the first paragraph of division (B) of section 3317.01 of the 22448  
Revised Code, the superintendent may apply to the superintendent 22449  
of public instruction for a waiver, under which the superintendent 22450  
of public instruction may exempt the district superintendent from 22451  
certifying the formula ADM for that school for that week and 22452  
specify an alternate week for certifying the formula ADM of that 22453  
school. 22454~~

The formula ADM shall consist of the average daily membership 22455  
during such week of the sum of the following: 22456

(1) On an FTE basis, the number of students in grades 22457  
kindergarten through twelve receiving any educational services 22458  
from the district, except that the following categories of 22459  
students shall not be included in the determination: 22460

(a) Students enrolled in adult education classes; 22461

(b) Adjacent or other district students enrolled in the 22462  
district under an open enrollment policy pursuant to section 22463  
3313.98 of the Revised Code; 22464

(c) Students receiving services in the district pursuant to a 22465  
compact, cooperative education agreement, or a contract, but who 22466  
are entitled to attend school in another district pursuant to 22467  
section 3313.64 or 3313.65 of the Revised Code; 22468

(d) Students for whom tuition is payable pursuant to sections 22469  
3317.081 and 3323.141 of the Revised Code; 22470

(e) Students receiving services in the district through a 22471  
scholarship awarded under either section 3310.41 or sections 22472  
3310.51 to 3310.63 of the Revised Code. 22473

(2) On an FTE basis, except as provided in division (A)(2)(h) 22474  
of this section, the number of students entitled to attend school 22475  
in the district pursuant to section 3313.64 or 3313.65 of the 22476

Revised Code, but receiving educational services in grades	22477
kindergarten through twelve from one or more of the following	22478
entities:	22479
(a) A community school pursuant to Chapter 3314. of the	22480
Revised Code, including any participation in a college pursuant to	22481
Chapter 3365. of the Revised Code while enrolled in such community	22482
school;	22483
(b) An alternative school pursuant to sections 3313.974 to	22484
3313.979 of the Revised Code as described in division (I)(2)(a) or	22485
(b) of this section;	22486
(c) A college pursuant to Chapter 3365. of the Revised Code,	22487
except when the student is enrolled in the college while also	22488
enrolled in a community school pursuant to Chapter 3314. of the	22489
Revised Code;	22490
(d) An adjacent or other school district under an open	22491
enrollment policy adopted pursuant to section 3313.98 of the	22492
Revised Code;	22493
(e) An educational service center or cooperative education	22494
district;	22495
(f) Another school district under a cooperative education	22496
agreement, compact, or contract;	22497
(g) A chartered nonpublic school with a scholarship paid	22498
under section 3310.08 of the Revised Code;	22499
(h) An alternative public provider or a registered private	22500
provider with a scholarship awarded under <u>either</u> section 3310.41	22501
<u>or sections 3310.51 to 3310.63</u> of the Revised Code. Each such	22502
scholarship student who is enrolled in kindergarten shall be	22503
counted as one full-time-equivalent student.	22504
As used in this section, "alternative public provider" and	22505
"registered private provider" have the same meanings as in section	22506

3310.41 or 3310.51 of the Revised Code, as applicable. 22507

(3) Twenty per cent of the number of students enrolled in a 22508  
joint vocational school district or under a vocational education 22509  
compact, excluding any students entitled to attend school in the 22510  
district under section 3313.64 or 3313.65 of the Revised Code who 22511  
are enrolled in another school district through an open enrollment 22512  
policy as reported under division (A)(2)(d) of this section and 22513  
then enroll in a joint vocational school district or under a 22514  
vocational education compact; 22515

(4) The number of handicapped children, other than 22516  
handicapped preschool children, entitled to attend school in the 22517  
district pursuant to section 3313.64 or 3313.65 of the Revised 22518  
Code who are placed by the district with a county MR/DD board, 22519  
minus the number of such children placed with a county MR/DD board 22520  
in fiscal year 1998. If this calculation produces a negative 22521  
number, the number reported under division (A)(4) of this section 22522  
shall be zero. 22523

~~(5) Beginning in fiscal year 2007, in the case of the report 22524  
submitted for the first full week in February, or the alternative 22525  
week if specified by the superintendent of public instruction, the 22526  
number of students reported under division (A)(1) or (2) of this 22527  
section for the first full week of the preceding October but who 22528  
since that week have received high school diplomas. 22529~~

(B) To enable the department of education to obtain the data 22530  
needed to complete the calculation of payments pursuant to this 22531  
chapter, in addition to the formula ADM, each superintendent shall 22532  
report separately the following student counts for the same week 22533  
for which formula ADM is certified: 22534

(1) The total average daily membership in regular day classes 22535  
included in the report under division (A)(1) or (2) of this 22536  
section for kindergarten, and each of grades one through twelve in 22537

schools under the superintendent's supervision;	22538
(2) The number of all handicapped preschool children enrolled	22539
as of the first day of December in classes in the district that	22540
are eligible for approval under division (B) of section 3317.05 of	22541
the Revised Code and the number of those classes, which shall be	22542
reported not later than the fifteenth day of December, in	22543
accordance with rules adopted under that section;	22544
(3) The number of children entitled to attend school in the	22545
district pursuant to section 3313.64 or 3313.65 of the Revised	22546
Code who are:	22547
(a) Participating in a pilot project scholarship program	22548
established under sections 3313.974 to 3313.979 of the Revised	22549
Code as described in division (I)(2)(a) or (b) of this section;	22550
(b) Enrolled in a college under Chapter 3365. of the Revised	22551
Code, except when the student is enrolled in the college while	22552
also enrolled in a community school pursuant to Chapter 3314. of	22553
the Revised Code;	22554
(c) Enrolled in an adjacent or other school district under	22555
section 3313.98 of the Revised Code;	22556
(d) Enrolled in a community school established under Chapter	22557
3314. of the Revised Code that is not an internet- or	22558
computer-based community school as defined in section 3314.02 of	22559
the Revised Code, including any participation in a college	22560
pursuant to Chapter 3365. of the Revised Code while enrolled in	22561
such community school;	22562
(e) Enrolled in an internet- or computer-based community	22563
school, as defined in section 3314.02 of the Revised Code,	22564
including any participation in a college pursuant to Chapter 3365.	22565
of the Revised Code while enrolled in the school;	22566
(f) Enrolled in a chartered nonpublic school with a	22567

scholarship paid under section 3310.08 of the Revised Code;	22568
(g) Enrolled in kindergarten through grade twelve in an	22569
alternative public provider or a registered private provider with	22570
a scholarship awarded under <u>either</u> section 3310.41 <u>or sections</u>	22571
<u>3310.51 to 3310.63</u> of the Revised Code;	22572
(h) Enrolled as a handicapped preschool child in an	22573
alternative public provider or a registered private provider with	22574
a scholarship awarded under section 3310.41 of the Revised Code;	22575
(i) Participating in a program operated by a county MR/DD	22576
board or a state institution.	22577
(4) The number of pupils enrolled in joint vocational	22578
schools;	22579
(5) The <u>combined</u> average daily membership of handicapped	22580
children reported under division (A)(1) or (2) of this section	22581
receiving special education services for the category one handicap	22582
described in division (A) of section 3317.013 of the Revised Code,	22583
<u>including children attending a special education program operated</u>	22584
<u>by an alternative public provider or a registered private provider</u>	22585
<u>with a scholarship awarded under sections 3310.51 to 3310.63 of</u>	22586
<u>the Revised Code;</u>	22587
(6) The <u>combined</u> average daily membership of handicapped	22588
children reported under division (A)(1) or (2) of this section	22589
receiving special education services for category two handicaps	22590
described in division (B) of section 3317.013 of the Revised Code,	22591
<u>including children attending a special education program operated</u>	22592
<u>by an alternative public provider or a registered private provider</u>	22593
<u>with a scholarship awarded under sections 3310.51 to 3310.63 of</u>	22594
<u>the Revised Code;</u>	22595
(7) The <u>combined</u> average daily membership of handicapped	22596
children reported under division (A)(1) or (2) of this section	22597
receiving special education services for category three handicaps	22598

described in division (C) of section 3317.013 of the Revised Code, 22599  
including children attending a special education program operated 22600  
by an alternative public provider or a registered private provider 22601  
with a scholarship awarded under sections 3310.51 to 3310.63 of 22602  
the Revised Code; 22603

(8) The combined average daily membership of handicapped 22604  
children reported under division (A)(1) or (2) of this section 22605  
receiving special education services for category four handicaps 22606  
described in division (D) of section 3317.013 of the Revised Code, 22607  
including children attending a special education program operated 22608  
by an alternative public provider or a registered private provider 22609  
with a scholarship awarded under sections 3310.51 to 3310.63 of 22610  
the Revised Code; 22611

(9) The combined average daily membership of handicapped 22612  
children reported under division (A)(1) or (2) of this section 22613  
receiving special education services for the category five 22614  
handicap described in division (E) of section 3317.013 of the 22615  
Revised Code, including children attending a special education 22616  
program operated by an alternative public provider or a registered 22617  
private provider with a scholarship awarded under sections 3310.51 22618  
to 3310.63 of the Revised Code; 22619

(10) The combined average daily membership of handicapped 22620  
children reported under division (A)(1) or (2) and under division 22621  
(B)(3)(h) of this section receiving special education services for 22622  
category six handicaps described in division (F) of section 22623  
3317.013 of the Revised Code, including children attending a 22624  
special education program operated by an alternative public 22625  
provider or a registered private provider with a scholarship 22626  
awarded under either section 3310.41 or sections 3310.51 to 22627  
3310.63 of the Revised Code; 22628

(11) The average daily membership of pupils reported under 22629  
division (A)(1) or (2) of this section enrolled in category one 22630

vocational education programs or classes, described in division 22631  
(A) of section 3317.014 of the Revised Code, operated by the 22632  
school district or by another district, other than a joint 22633  
vocational school district, or by an educational service center, 22634  
excluding any student reported under division (B)(3)(e) of this 22635  
section as enrolled in an internet- or computer-based community 22636  
school, notwithstanding division (C) of section 3317.02 of the 22637  
Revised Code and division (C)(3) of this section; 22638

(12) The average daily membership of pupils reported under 22639  
division (A)(1) or (2) of this section enrolled in category two 22640  
vocational education programs or services, described in division 22641  
(B) of section 3317.014 of the Revised Code, operated by the 22642  
school district or another school district, other than a joint 22643  
vocational school district, or by an educational service center, 22644  
excluding any student reported under division (B)(3)(e) of this 22645  
section as enrolled in an internet- or computer-based community 22646  
school, notwithstanding division (C) of section 3317.02 of the 22647  
Revised Code and division (C)(3) of this section; 22648

(13) The average number of children transported by the school 22649  
district on board-owned or contractor-owned and -operated buses, 22650  
reported in accordance with rules adopted by the department of 22651  
education; 22652

(14)(a) The number of children, other than handicapped 22653  
preschool children, the district placed with a county MR/DD board 22654  
in fiscal year 1998; 22655

(b) The number of handicapped children, other than 22656  
handicapped preschool children, placed with a county MR/DD board 22657  
in the current fiscal year to receive special education services 22658  
for the category one handicap described in division (A) of section 22659  
3317.013 of the Revised Code; 22660

(c) The number of handicapped children, other than 22661

handicapped preschool children, placed with a county MR/DD board 22662  
in the current fiscal year to receive special education services 22663  
for category two handicaps described in division (B) of section 22664  
3317.013 of the Revised Code; 22665

(d) The number of handicapped children, other than 22666  
handicapped preschool children, placed with a county MR/DD board 22667  
in the current fiscal year to receive special education services 22668  
for category three handicaps described in division (C) of section 22669  
3317.013 of the Revised Code; 22670

(e) The number of handicapped children, other than 22671  
handicapped preschool children, placed with a county MR/DD board 22672  
in the current fiscal year to receive special education services 22673  
for category four handicaps described in division (D) of section 22674  
3317.013 of the Revised Code; 22675

(f) The number of handicapped children, other than 22676  
handicapped preschool children, placed with a county MR/DD board 22677  
in the current fiscal year to receive special education services 22678  
for the category five handicap described in division (E) of 22679  
section 3317.013 of the Revised Code; 22680

(g) The number of handicapped children, other than 22681  
handicapped preschool children, placed with a county MR/DD board 22682  
in the current fiscal year to receive special education services 22683  
for category six handicaps described in division (F) of section 22684  
3317.013 of the Revised Code. 22685

(C)(1) Except as otherwise provided in this section for 22686  
kindergarten students, the average daily membership in divisions 22687  
(B)(1) to (12) of this section shall be based upon the number of 22688  
full-time equivalent students. The state board of education shall 22689  
adopt rules defining full-time equivalent students and for 22690  
determining the average daily membership therefrom for the 22691  
purposes of divisions (A), (B), and (D) of this section. 22692

(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 same proportion as the percentage of time that the child spends in the vocational education programs or classes.

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each

school district. 22725

(D)(1) The superintendent of each joint vocational school 22726  
district shall certify to the superintendent of public instruction 22727  
on or before the fifteenth day of October in each year for the 22728  
first full school week in October the formula ADM. ~~Beginning in~~ 22729  
~~fiscal year 2007, each superintendent also shall certify to the~~ 22730  
~~state superintendent the formula ADM for the first full week in~~ 22731  
~~February. If a school operated by the joint vocational school~~ 22732  
~~district is closed for one or more days during that week due to~~ 22733  
~~hazardous weather conditions or other circumstances described in~~ 22734  
~~the first paragraph of division (B) of section 3317.01 of the~~ 22735  
~~Revised Code, the superintendent may apply to the superintendent~~ 22736  
~~of public instruction for a waiver, under which the superintendent~~ 22737  
~~of public instruction may exempt the district superintendent from~~ 22738  
~~certifying the formula ADM for that school for that week and~~ 22739  
~~specify an alternate week for certifying the formula ADM of that~~ 22740  
~~school.~~ 22741

The formula ADM, except as otherwise provided in this 22742  
division, shall consist of the average daily membership during 22743  
such week, on an FTE basis, of the number of students receiving 22744  
any educational services from the district, including students 22745  
enrolled in a community school established under Chapter 3314. of 22746  
the Revised Code who are attending the joint vocational district 22747  
under an agreement between the district board of education and the 22748  
governing authority of the community school and are entitled to 22749  
attend school in a city, local, or exempted village school 22750  
district whose territory is part of the territory of the joint 22751  
vocational district. ~~Beginning in fiscal year 2007, in the case of~~ 22752  
~~the report submitted for the first week in February, or the~~ 22753  
~~alternative week if specified by the superintendent of public~~ 22754  
~~instruction, the superintendent of the joint vocational school~~ 22755  
~~district may include the number of students reported under~~ 22756

~~division (D)(1) of this section for the first full week of the 22757~~  
~~preceding October but who since that week have received high 22758~~  
~~school diplomas. 22759~~

The following categories of students shall not be included in 22760  
the determination made under division (D)(1) of this section: 22761

(a) Students enrolled in adult education classes; 22762

(b) Adjacent or other district joint vocational students 22763  
enrolled in the district under an open enrollment policy pursuant 22764  
to section 3313.98 of the Revised Code; 22765

(c) Students receiving services in the district pursuant to a 22766  
compact, cooperative education agreement, or a contract, but who 22767  
are entitled to attend school in a city, local, or exempted 22768  
village school district whose territory is not part of the 22769  
territory of the joint vocational district; 22770

(d) Students for whom tuition is payable pursuant to sections 22771  
3317.081 and 3323.141 of the Revised Code. 22772

(2) To enable the department of education to obtain the data 22773  
needed to complete the calculation of payments pursuant to this 22774  
chapter, in addition to the formula ADM, each superintendent shall 22775  
report separately the average daily membership included in the 22776  
report under division (D)(1) of this section for each of the 22777  
following categories of students for the same week for which 22778  
formula ADM is certified: 22779

(a) Students enrolled in each grade included in the joint 22780  
vocational district schools; 22781

(b) Handicapped children receiving special education services 22782  
for the category one handicap described in division (A) of section 22783  
3317.013 of the Revised Code; 22784

(c) Handicapped children receiving special education services 22785  
for the category two handicaps described in division (B) of 22786

section 3317.013 of the Revised Code;	22787
(d) Handicapped children receiving special education services	22788
for category three handicaps described in division (C) of section	22789
3317.013 of the Revised Code;	22790
(e) Handicapped children receiving special education services	22791
for category four handicaps described in division (D) of section	22792
3317.013 of the Revised Code;	22793
(f) Handicapped children receiving special education services	22794
for the category five handicap described in division (E) of	22795
section 3317.013 of the Revised Code;	22796
(g) Handicapped children receiving special education services	22797
for category six handicaps described in division (F) of section	22798
3317.013 of the Revised Code;	22799
(h) Students receiving category one vocational education	22800
services, described in division (A) of section 3317.014 of the	22801
Revised Code;	22802
(i) Students receiving category two vocational education	22803
services, described in division (B) of section 3317.014 of the	22804
Revised Code.	22805
The superintendent of each joint vocational school district	22806
shall also indicate the city, local, or exempted village school	22807
district in which each joint vocational district pupil is entitled	22808
to attend school pursuant to section 3313.64 or 3313.65 of the	22809
Revised Code.	22810
(E) In each school of each city, local, exempted village,	22811
joint vocational, and cooperative education school district there	22812
shall be maintained a record of school membership, which record	22813
shall accurately show, for each day the school is in session, the	22814
actual membership enrolled in regular day classes. For the purpose	22815
of determining average daily membership, the membership figure of	22816

any school shall not include any pupils except those pupils 22817  
described by division (A) of this section. The record of 22818  
membership for each school shall be maintained in such manner that 22819  
no pupil shall be counted as in membership prior to the actual 22820  
date of entry in the school and also in such manner that where for 22821  
any cause a pupil permanently withdraws from the school that pupil 22822  
shall not be counted as in membership from and after the date of 22823  
such withdrawal. There shall not be included in the membership of 22824  
any school any of the following: 22825

(1) Any pupil who has graduated from the twelfth grade of a 22826  
public or nonpublic high school; 22827

(2) Any pupil who is not a resident of the state; 22828

(3) Any pupil who was enrolled in the schools of the district 22829  
during the previous school year when tests were administered under 22830  
section 3301.0711 of the Revised Code but did not take one or more 22831  
of the tests required by that section and was not excused pursuant 22832  
to division (C)(1) or (3) of that section; 22833

(4) Any pupil who has attained the age of twenty-two years, 22834  
except for veterans of the armed services whose attendance was 22835  
interrupted before completing the recognized twelve-year course of 22836  
the public schools by reason of induction or enlistment in the 22837  
armed forces and who apply for reenrollment in the public school 22838  
system of their residence not later than four years after 22839  
termination of war or their honorable discharge. 22840

If, however, any veteran described by division (E)(4) of this 22841  
section elects to enroll in special courses organized for veterans 22842  
for whom tuition is paid under the provisions of federal laws, or 22843  
otherwise, that veteran shall not be included in average daily 22844  
membership. 22845

Notwithstanding division (E)(3) of this section, the 22846  
membership of any school may include a pupil who did not take a 22847

test required by section 3301.0711 of the Revised Code if the 22848  
superintendent of public instruction grants a waiver from the 22849  
requirement to take the test to the specific pupil and a parent is 22850  
not paying tuition for the pupil pursuant to section 3313.6410 of 22851  
the Revised Code. The superintendent may grant such a waiver only 22852  
for good cause in accordance with rules adopted by the state board 22853  
of education. 22854

Except as provided in divisions (B)(2) and (F) of this 22855  
section, the average daily membership figure of any local, city, 22856  
exempted village, or joint vocational school district shall be 22857  
determined by dividing the figure representing the sum of the 22858  
number of pupils enrolled during each day the school of attendance 22859  
is actually open for instruction during the week for which the 22860  
formula ADM is being certified by the total number of days the 22861  
school was actually open for instruction during that week. For 22862  
purposes of state funding, "enrolled" persons are only those 22863  
pupils who are attending school, those who have attended school 22864  
during the current school year and are absent for authorized 22865  
reasons, and those handicapped children currently receiving home 22866  
instruction. 22867

The average daily membership figure of any cooperative 22868  
education school district shall be determined in accordance with 22869  
rules adopted by the state board of education. 22870

(F)(1) If the formula ADM for the first full school week in 22871  
February is at least three per cent greater than that certified 22872  
for the first full school week in the preceding October, the 22873  
superintendent of schools of any city, exempted village, or joint 22874  
vocational school district or educational service center shall 22875  
certify such increase to the superintendent of public instruction. 22876  
Such certification shall be submitted no later than the fifteenth 22877  
day of February. For the balance of the fiscal year, beginning 22878  
with the February payments, the superintendent of public 22879

instruction shall use the increased formula ADM in calculating or 22880  
recalculating the amounts to be allocated in accordance with 22881  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 22882  
the superintendent use an increased membership certified to the 22883  
superintendent after the fifteenth day of February. ~~Division~~ 22884  
~~(F)(1) of this section does not apply after fiscal year 2006.~~ 22885

(2) If on the first school day of April the total number of 22886  
classes or units for handicapped preschool children that are 22887  
eligible for approval under division (B) of section 3317.05 of the 22888  
Revised Code exceeds the number of units that have been approved 22889  
for the year under that division, the superintendent of schools of 22890  
any city, exempted village, or cooperative education school 22891  
district or educational service center shall make the 22892  
certifications required by this section for that day. If the 22893  
department determines additional units can be approved for the 22894  
fiscal year within any limitations set forth in the acts 22895  
appropriating moneys for the funding of such units, the department 22896  
shall approve additional units for the fiscal year on the basis of 22897  
such average daily membership. For each unit so approved, the 22898  
department shall pay an amount computed in the manner prescribed 22899  
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 22900  
Code. 22901

(3) If a student attending a community school under Chapter 22902  
3314. of the Revised Code is not included in the formula ADM 22903  
certified for the school district in which the student is entitled 22904  
to attend school under section 3313.64 or 3313.65 of the Revised 22905  
Code, the department of education shall adjust the formula ADM of 22906  
that school district to include the community school student in 22907  
accordance with division (C)(2) of this section, and shall 22908  
recalculate the school district's payments under this chapter for 22909  
the entire fiscal year on the basis of that adjusted formula ADM. 22910  
This requirement applies regardless of whether the student was 22911

enrolled, as defined in division (E) of this section, in the community school during the week for which the formula ADM is being certified.

(4) If a student awarded an educational choice scholarship is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.08 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in the chartered nonpublic school, the school district, or a community school during the week for which the formula ADM is being certified.

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The average daily membership of all handicapped children other than handicapped preschool children receiving services at the institution for each category of handicap described in divisions (A) to (F) of section 3317.013 of the Revised Code;

(ii) The average daily membership of all handicapped preschool children in classes or programs approved annually by the department of education for unit funding under section 3317.05 of the Revised Code.

(b) The superintendent of an institution with vocational

education units approved under division (A) of section 3317.05 of 22943  
the Revised Code shall, for the units under the superintendent's 22944  
supervision, certify to the state board of education the average 22945  
daily membership in those units, in the manner prescribed by the 22946  
superintendent of public instruction. 22947

(2) The superintendent of each county MR/DD board that 22948  
maintains special education classes under section 3317.20 of the 22949  
Revised Code or units approved pursuant to section 3317.05 of the 22950  
Revised Code shall do both of the following: 22951

(a) Certify to the state board, in the manner prescribed by 22952  
the board, the average daily membership in classes under section 22953  
3317.20 of the Revised Code for each school district that has 22954  
placed children in the classes; 22955

(b) Certify to the state board, in the manner prescribed by 22956  
the board, the number of all handicapped preschool children 22957  
enrolled as of the first day of December in classes eligible for 22958  
approval under division (B) of section 3317.05 of the Revised 22959  
Code, and the number of those classes. 22960

(3)(a) If on the first school day of April the number of 22961  
classes or units maintained for handicapped preschool children by 22962  
the county MR/DD board that are eligible for approval under 22963  
division (B) of section 3317.05 of the Revised Code is greater 22964  
than the number of units approved for the year under that 22965  
division, the superintendent shall make the certification required 22966  
by this section for that day. 22967

(b) If the department determines that additional classes or 22968  
units can be approved for the fiscal year within any limitations 22969  
set forth in the acts appropriating moneys for the funding of the 22970  
classes and units described in division (G)(3)(a) of this section, 22971  
the department shall approve and fund additional units for the 22972  
fiscal year on the basis of such average daily membership. For 22973

each unit so approved, the department shall pay an amount computed 22974  
in the manner prescribed in sections 3317.052 and 3317.053 of the 22975  
Revised Code. 22976

(H) Except as provided in division (I) of this section, when 22977  
any city, local, or exempted village school district provides 22978  
instruction for a nonresident pupil whose attendance is 22979  
unauthorized attendance as defined in section 3327.06 of the 22980  
Revised Code, that pupil's membership shall not be included in 22981  
that district's membership figure used in the calculation of that 22982  
district's formula ADM or included in the determination of any 22983  
unit approved for the district under section 3317.05 of the 22984  
Revised Code. The reporting official shall report separately the 22985  
average daily membership of all pupils whose attendance in the 22986  
district is unauthorized attendance, and the membership of each 22987  
such pupil shall be credited to the school district in which the 22988  
pupil is entitled to attend school under division (B) of section 22989  
3313.64 or section 3313.65 of the Revised Code as determined by 22990  
the department of education. 22991

(I)(1) A city, local, exempted village, or joint vocational 22992  
school district admitting a scholarship student of a pilot project 22993  
district pursuant to division (C) of section 3313.976 of the 22994  
Revised Code may count such student in its average daily 22995  
membership. 22996

(2) In any year for which funds are appropriated for pilot 22997  
project scholarship programs, a school district implementing a 22998  
state-sponsored pilot project scholarship program that year 22999  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 23000  
count in average daily membership: 23001

(a) All children residing in the district and utilizing a 23002  
scholarship to attend kindergarten in any alternative school, as 23003  
defined in section 3313.974 of the Revised Code; 23004

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction discovers an error in the formula ADM certified by a district superintendent, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXVIII of the Revised Code be adjusted in the amount of the error.

**Sec. 3317.04.** The amount paid to school districts in each fiscal year under Chapter 3317. of the Revised Code shall not be less than the following:

(A) In the case of a district created under section 3311.26 or 3311.37 of the Revised Code, the amount paid shall not be less, in any of the three succeeding fiscal years following the creation, than the sum of the amounts allocated under Chapter 3317. of the Revised Code to the districts separately in the year of the creation.

(B) In the case of a school district which is transferred to another school district or districts, pursuant to section 3311.22, 3311.231, or 3311.38 of the Revised Code, the amount paid to the district accepting the transferred territory shall not be less, in any of the three succeeding fiscal years following the transfer,

than the sum of the amounts allocated under Chapter 3317. of the Revised Code to the districts separately in the year of the consummation of the transfer.

~~(C) In the case of any school district, the amount paid under Chapter 3317. of the Revised Code to the district in the fiscal year of distribution shall not be less than that paid under such chapter in the preceding fiscal year, less any amount paid in that preceding fiscal year under section 3317.0216 of the Revised Code, if in the calendar year ending the thirty first day of December preceding the fiscal year of distribution, the county auditor of the county to which the district has been assigned by the department of education for administrative purposes has completed reassessment of all real estate within the county, or the tax duplicate of that county was increased by the application of a uniform taxable value per cent of true value pursuant to a rule or order of the tax commissioner and the revised valuations were entered on the tax list and duplicate. Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, and 3311.38 of the Revised Code, this minimum guarantee is applicable only during the fiscal year immediately following the reassessment or application.~~

~~(D) In the case of any school district that has territory in three or more counties, each of which contains at least twenty per cent of the district's territory, the amount paid under Chapter 3317. of the Revised Code to the district in the fiscal year of distribution shall not be less than that paid under such chapter in the preceding fiscal year, less any amount paid in that preceding fiscal year under section 3317.0216 of the Revised Code, if in the calendar year ending the thirty first day of December preceding the fiscal year of distribution, the county auditor of any such county completed reassessment of all real estate within the county, or the tax duplicate of any such county was increased by the application of a uniform taxable value per cent of true~~

~~value pursuant to a rule or order of the tax commissioner and the 23068  
revised valuations were entered on the tax list and duplicate. 23069  
Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, and 23070  
3311.38 of the Revised Code, this minimum guarantee is applicable 23071  
only during the fiscal year immediately following the reassessment 23072  
or application. 23073~~

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, 23074  
and 3311.38 of the Revised Code, the minimum guarantees prescribed 23075  
by divisions (A) and (B) of this section shall not affect the 23076  
amount of aid received by a school district for more than three 23077  
consecutive years. 23078

**Sec. 3317.06.** Moneys paid to school districts under division 23079  
(I) of section 3317.024 of the Revised Code shall be used for the 23080  
following independent and fully severable purposes: 23081

(A) To purchase such secular textbooks or electronic 23082  
textbooks as have been approved by the superintendent of public 23083  
instruction for use in public schools in the state and to loan 23084  
such textbooks or electronic textbooks to pupils attending 23085  
nonpublic schools within the district or to their parents and to 23086  
hire clerical personnel to administer such lending program. Such 23087  
loans shall be based upon individual requests submitted by such 23088  
nonpublic school pupils or parents. Such requests shall be 23089  
submitted to the school district in which the nonpublic school is 23090  
located. Such individual requests for the loan of textbooks or 23091  
electronic textbooks shall, for administrative convenience, be 23092  
submitted by the nonpublic school pupil or the pupil's parent to 23093  
the nonpublic school, which shall prepare and submit collective 23094  
summaries of the individual requests to the school district. As 23095  
used in this section: 23096

(1) "Textbook" means any book or book substitute that a pupil 23097  
uses as a consumable or nonconsumable text, text substitute, or 23098

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 hearing services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance and counseling services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in

public centers, or in mobile units located on or off of the 23130  
nonpublic premises. If such services are provided in the public 23131  
school or in public centers, transportation to and from such 23132  
facilities shall be provided by the school district in which the 23133  
nonpublic school is located. 23134

(G) To provide remedial services to pupils attending 23135  
nonpublic schools within the district. Such services shall be 23136  
provided in the public school, in nonpublic schools, in public 23137  
centers, or in mobile units located on or off of the nonpublic 23138  
premises. If such services are provided in the public school or in 23139  
public centers, transportation to and from such facilities shall 23140  
be provided by the school district in which the nonpublic school 23141  
is located. 23142

(H) To supply for use by pupils attending nonpublic schools 23143  
within the district such standardized tests and scoring services 23144  
as are in use in the public schools of the state; 23145

(I) To provide programs for children who attend nonpublic 23146  
schools within the district and are handicapped children as 23147  
defined in division (A) of section 3323.01 of the Revised Code or 23148  
gifted children. Such programs shall be provided in the public 23149  
school, in nonpublic schools, in public centers, or in mobile 23150  
units located on or off of the nonpublic premises. If such 23151  
programs are provided in the public school or in public centers, 23152  
transportation to and from such facilities shall be provided by 23153  
the school district in which the nonpublic school is located. 23154

(J) To hire clerical personnel to assist in the 23155  
administration of programs pursuant to divisions (B), (C), (D), 23156  
(E), (F), (G), and (I) of this section and to hire supervisory 23157  
personnel to supervise the providing of services and textbooks 23158  
pursuant to this section. 23159

(K) To purchase or lease any secular, neutral, and 23160

nonideological computer software (including site-licensing), 23161  
prerecorded video laserdiscs, digital video on demand (DVD), 23162  
compact discs, and video cassette cartridges, wide area 23163  
connectivity and related technology as it relates to internet 23164  
access, mathematics or science equipment and materials, 23165  
instructional materials, and school library materials that are in 23166  
general use in the public schools of the state and loan such items 23167  
to pupils attending nonpublic schools within the district or to 23168  
their parents, and to hire clerical personnel to administer the 23169  
lending program. Only such items that are incapable of diversion 23170  
to religious use and that are susceptible of loan to individual 23171  
pupils and are furnished for the use of individual pupils shall be 23172  
purchased and loaned under this division. As used in this section, 23173  
"instructional materials" means prepared learning materials that 23174  
are secular, neutral, and nonideological in character and are of 23175  
benefit to the instruction of school children, and may include 23176  
educational resources and services developed by the eTech Ohio 23177  
commission. 23178

(L) To purchase or lease instructional equipment, including 23179  
computer hardware and related equipment in general use in the 23180  
public schools of the state, for use by pupils attending nonpublic 23181  
schools within the district and to loan such items to pupils 23182  
attending nonpublic schools within the district or to their 23183  
parents, and to hire clerical personnel to administer the lending 23184  
program. 23185

(M) To purchase mobile units to be used for the provision of 23186  
services pursuant to divisions (E), (F), (G), and (I) of this 23187  
section and to pay for necessary repairs and operating costs 23188  
associated with these units. 23189

(N) To reimburse costs the district incurred to store the 23190  
records of a chartered nonpublic school that closes. 23191  
Reimbursements under this division shall be made one time only for 23192

each chartered nonpublic school that closes. 23193

Clerical and supervisory personnel hired pursuant to division 23194  
(J) of this section shall perform their services in the public 23195  
schools, in nonpublic schools, public centers, or mobile units 23196  
where the services are provided to the nonpublic school pupil, 23197  
except that such personnel may accompany pupils to and from the 23198  
service sites when necessary to ensure the safety of the children 23199  
receiving the services. 23200

All services provided pursuant to this section may be 23201  
provided under contract with educational service centers, the 23202  
department of health, city or general health districts, or private 23203  
agencies whose personnel are properly licensed by an appropriate 23204  
state board or agency. 23205

Transportation of pupils provided pursuant to divisions (E), 23206  
(F), (G), and (I) of this section shall be provided by the school 23207  
district from its general funds and not from moneys paid to it 23208  
under division (I) of section 3317.024 of the Revised Code unless 23209  
a special transportation request is submitted by the parent of the 23210  
child receiving service pursuant to such divisions. If such an 23211  
application is presented to the school district, it may pay for 23212  
the transportation from moneys paid to it under division (I) of 23213  
section 3317.024 of the Revised Code. 23214

No school district shall provide health or remedial services 23215  
to nonpublic school pupils as authorized by this section unless 23216  
such services are available to pupils attending the public schools 23217  
within the district. 23218

Materials, equipment, computer hardware or software, 23219  
textbooks, electronic textbooks, and health and remedial services 23220  
provided for the benefit of nonpublic school pupils pursuant to 23221  
this section and the admission of pupils to such nonpublic schools 23222  
shall be provided without distinction as to race, creed, color, or 23223

national origin of such pupils or of their teachers. 23224

No school district shall provide services, materials, or 23225  
equipment that contain religious content for use in religious 23226  
courses, devotional exercises, religious training, or any other 23227  
religious activity. 23228

As used in this section, "parent" includes a person standing 23229  
in loco parentis to a child. 23230

Notwithstanding section 3317.01 of the Revised Code, payments 23231  
shall be made under this section to any city, local, or exempted 23232  
village school district within which is located one or more 23233  
nonpublic elementary or high schools and any payments made to 23234  
school districts under division (I) of section 3317.024 of the 23235  
Revised Code for purposes of this section may be disbursed without 23236  
submission to and approval of the controlling board. 23237

The allocation of payments for materials, equipment, 23238  
textbooks, electronic textbooks, health services, and remedial 23239  
services to city, local, and exempted village school districts 23240  
shall be on the basis of the state board of education's estimated 23241  
annual average daily membership in nonpublic elementary and high 23242  
schools located in the district. 23243

Payments made to city, local, and exempted village school 23244  
districts under this section shall be equal to specific 23245  
appropriations made for the purpose. All interest earned by a 23246  
school district on such payments shall be used by the district for 23247  
the same purposes and in the same manner as the payments may be 23248  
used. 23249

The department of education shall adopt guidelines and 23250  
procedures under which such programs and services shall be 23251  
provided, under which districts shall be reimbursed for 23252  
administrative costs incurred in providing such programs and 23253  
services, and under which any unexpended balance of the amounts 23254

appropriated by the general assembly to implement this section may 23255  
be transferred to the auxiliary services personnel unemployment 23256  
compensation fund established pursuant to section 4141.47 of the 23257  
Revised Code. The department shall also adopt guidelines and 23258  
procedures limiting the purchase and loan of the items described 23259  
in division (K) of this section to items that are in general use 23260  
in the public schools of the state, that are incapable of 23261  
diversion to religious use, and that are susceptible to individual 23262  
use rather than classroom use. Within thirty days after the end of 23263  
each biennium, each board of education shall remit to the 23264  
department all moneys paid to it under division (I) of section 23265  
3317.024 of the Revised Code and any interest earned on those 23266  
moneys that are not required to pay expenses incurred under this 23267  
section during the biennium for which the money was appropriated 23268  
and during which the interest was earned. If a board of education 23269  
subsequently determines that the remittal of moneys leaves the 23270  
board with insufficient money to pay all valid expenses incurred 23271  
under this section during the biennium for which the remitted 23272  
money was appropriated, the board may apply to the department of 23273  
education for a refund of money, not to exceed the amount of the 23274  
insufficiency. If the department determines the expenses were 23275  
lawfully incurred and would have been lawful expenditures of the 23276  
refunded money, it shall certify its determination and the amount 23277  
of the refund to be made to the director of job and family 23278  
services who shall make a refund as provided in section 4141.47 of 23279  
the Revised Code. 23280

Each school district shall label materials, equipment, 23281  
computer hardware or software, textbooks, and electronic textbooks 23282  
purchased or leased for loan to a nonpublic school under this 23283  
section, acknowledging that they were purchased or leased with 23284  
state funds under this section. However, a district need not label 23285  
materials, equipment, computer hardware or software, textbooks, or 23286  
electronic textbooks that the district determines are consumable 23287

in nature or have a value of less than two hundred dollars. 23288

**Sec. 3317.08.** A board of education may admit to its schools a 23289  
child it is not required by section 3313.64 or 3313.65 of the 23290  
Revised Code to admit, if tuition is paid for the child. 23291

Unless otherwise provided by law, tuition shall be computed 23292  
in accordance with this section. A district's tuition charge for a 23293  
school year shall be one of the following: 23294

(A) For any child, except a handicapped preschool child 23295  
described in division (B) of this section, the quotient obtained 23296  
by dividing the sum of the amounts described in divisions (A)(1) 23297  
and (2) of this section by the district's formula ADM. 23298

(1) The district's total taxes charged and payable for 23299  
current expenses for the tax year preceding the tax year in which 23300  
the school year begins as certified under division (A)(3) of 23301  
section 3317.021 of the Revised Code. 23302

(2) The district's total taxes collected for current expenses 23303  
under a school district income tax adopted pursuant to section 23304  
5748.03 or 5748.08 of the Revised Code that are disbursed to the 23305  
district during the fiscal year. On or before the first day of 23306  
June of each year, the tax commissioner shall certify the amount 23307  
to be used in the calculation under this division for the next 23308  
fiscal year to the department of education and the office of 23309  
budget and management for each city, local, and exempted village 23310  
school district that levies a school district income tax. 23311

(B) For any handicapped preschool child not included in a 23312  
unit approved under division (B) of section 3317.05 of the Revised 23313  
Code, an amount computed for the school year as follows: 23314

(1) For each type of special education service provided to 23315  
the child for whom tuition is being calculated, determine the 23316  
amount of the district's operating expenses in providing that type 23317

of service to all handicapped preschool children not included in 23318  
units approved under division (B) of section 3317.05 of the 23319  
Revised Code; 23320

(2) For each type of special education service for which 23321  
operating expenses are determined under division (B)(1) of this 23322  
section, determine the amount of such operating expenses that was 23323  
paid from any state funds received under this chapter; 23324

(3) For each type of special education service for which 23325  
operating expenses are determined under division (B)(1) of this 23326  
section, divide the difference between the amount determined under 23327  
division (B)(1) of this section and the amount determined under 23328  
division (B)(2) of this section by the total number of handicapped 23329  
preschool children not included in units approved under division 23330  
(B) of section 3317.05 of the Revised Code who received that type 23331  
of service; 23332

(4) Determine the sum of the quotients obtained under 23333  
division (B)(3) of this section for all types of special education 23334  
services provided to the child for whom tuition is being 23335  
calculated. 23336

The state board of education shall adopt rules defining the 23337  
types of special education services and specifying the operating 23338  
expenses to be used in the computation under this section. 23339

If any child for whom a tuition charge is computed under this 23340  
section for any school year is enrolled in a district for only 23341  
part of that school year, the amount of the district's tuition 23342  
charge for the child for the school year shall be computed in 23343  
proportion to the number of school days the child is enrolled in 23344  
the district during the school year. 23345

Except as otherwise provided in division (J) of section 23346  
3313.64 of the Revised Code, whenever a district admits a child to 23347  
its schools for whom tuition computed in accordance with this 23348

section is an obligation of another school district, the amount of 23349  
the tuition shall be certified by the treasurer of the board of 23350  
education of the district of attendance, to the board of education 23351  
of the district required to pay tuition for its approval and 23352  
payment. If agreement as to the amount payable or the district 23353  
required to pay the tuition cannot be reached, or the board of 23354  
education of the district required to pay the tuition refuses to 23355  
pay that amount, the board of education of the district of 23356  
attendance shall notify the superintendent of public instruction. 23357  
The superintendent shall determine the correct amount and the 23358  
district required to pay the tuition and shall deduct that amount, 23359  
if any, under division (G) of section 3317.023 of the Revised 23360  
Code, from the district required to pay the tuition and add that 23361  
amount to the amount allocated to the district attended under such 23362  
division. The superintendent of public instruction shall send to 23363  
the district required to pay the tuition an itemized statement 23364  
showing such deductions at the time of such deduction. 23365

When a political subdivision owns and operates an airport, 23366  
welfare, or correctional institution or other project or facility 23367  
outside its corporate limits, the territory within which the 23368  
facility is located is exempt from taxation by the school district 23369  
within which such territory is located, and there are school age 23370  
children residing within such territory, the political subdivision 23371  
owning such tax exempt territory shall pay tuition to the district 23372  
in which such children attend school. The tuition for these 23373  
children shall be computed as provided for in this section. 23374

**Sec. 3317.16.** (A) As used in this section: 23375

(1) "State share percentage" means the percentage calculated 23376  
for a joint vocational school district as follows: 23377

(a) Calculate the state base cost funding amount for the 23378  
district under division (B) of this section. If the district would 23379

not receive any base cost funding for that year under that 23380  
division, the district's state share percentage is zero. 23381

(b) If the district would receive base cost funding under 23382  
that division, divide that base cost amount by an amount equal to 23383  
the following: 23384

~~cost of doing business factor X~~ 23385

the formula amount X 23386

formula ADM 23387

The resultant number is the district's state share 23388  
percentage. 23389

(2) The "total special education weight" for a joint 23390  
vocational school district shall be calculated in the same manner 23391  
as prescribed in division (B)(1) of section 3317.022 of the 23392  
Revised Code. 23393

(3) The "total vocational education weight" for a joint 23394  
vocational school district shall be calculated in the same manner 23395  
as prescribed in division (B)(4) of section 3317.022 of the 23396  
Revised Code. 23397

(4) The "total recognized valuation" of a joint vocational 23398  
school district shall be determined by adding the recognized 23399  
valuations of all its constituent school districts for the 23400  
applicable fiscal year. 23401

(5) "Resident district" means the city, local, or exempted 23402  
village school district in which a student is entitled to attend 23403  
school under section 3313.64 or 3313.65 of the Revised Code. 23404

(6) "Community school" means a community school established 23405  
under Chapter 3314. of the Revised Code. 23406

(B) The department of education shall compute and distribute 23407  
state base cost funding to each joint vocational school district 23408  
for the fiscal year in accordance with ~~division (B) of this~~ 23409

<del>section.</del>	23410
<del>(1) Compute the following for each eligible district <u>formula</u>:</del>	23411
<del>(cost of doing business factor X</del>	23412
<del>formula amount X</del>	23413
<del>formula ADM) -</del>	23414
<del>(.0005 X total recognized valuation)</del>	23415
<del>If the difference obtained under this division is a negative</del>	23416
<del>number, the district's computation shall be zero.</del>	23417
<del>(2) Compute both of the following for each district:</del>	23418
<del>(a) The difference of (i) the district's fiscal year 2005</del>	23419
<del>base cost payment under the version of division (B) of this</del>	23420
<del>section in effect in fiscal year 2005, minus (ii) the amount</del>	23421
<del>computed for the district for the current fiscal year under</del>	23422
<del>current division (B)(1) of this section;</del>	23423
<del>(b) The following amount:</del>	23424
<del>{(fiscal year 2005 base cost payment/fiscal year 2005 formula</del>	23425
<del>ADM) X current year formula ADM] minus the amount computed for</del>	23426
<del>the district under current division (B)(1) of this section</del>	23427
<del>If one of the amounts computed under division (B)(2)(a) or</del>	23428
<del>(b) of this section is a positive amount, the department shall pay</del>	23429
<del>the district that amount in addition to the amount calculated</del>	23430
<del>under division (B)(1) of this section. If both amounts are</del>	23431
<del>positive amounts, the department shall pay the district the lesser</del>	23432
<del>of the two amounts in addition to the amount calculated under</del>	23433
<del>division (B)(1) of this section.</del>	23434
<del>(C)(1) The department shall compute and distribute state</del>	23435
<del>vocational education additional weighted costs funds to each joint</del>	23436
<del>vocational school district in accordance with the following</del>	23437
<del>formula:</del>	23438
<del>state share percentage X formula amount X</del>	23439

total vocational education weight 23440

In each fiscal year, a joint vocational school district 23441  
receiving funds under division (C)(1) of this section shall spend 23442  
those funds only for the purposes the department designates as 23443  
approved for vocational education expenses. Vocational educational 23444  
expenses approved by the department shall include only expenses 23445  
connected to the delivery of career-technical programming to 23446  
career-technical students. The department shall require the joint 23447  
vocational school district to report data annually so that the 23448  
department may monitor the district's compliance with the 23449  
requirements regarding the manner in which funding received under 23450  
division (C)(1) of this section may be spent. 23451

(2) The department shall compute for each joint vocational 23452  
school district state funds for vocational education associated 23453  
services costs in accordance with the following formula: 23454

state share percentage X .05 X 23455  
the formula amount X the sum of 23456  
categories one and two vocational 23457  
education ADM 23458

In any fiscal year, a joint vocational school district 23459  
receiving funds under division (C)(2) of this section, or through 23460  
a transfer of funds pursuant to division (L) of section 3317.023 23461  
of the Revised Code, shall spend those funds only for the purposes 23462  
that the department designates as approved for vocational 23463  
education associated services expenses, which may include such 23464  
purposes as apprenticeship coordinators, coordinators for other 23465  
vocational education services, vocational evaluation, and other 23466  
purposes designated by the department. The department may deny 23467  
payment under division (C)(2) of this section to any district that 23468  
the department determines is not operating those services or is 23469  
using funds paid under division (C)(2) of this section, or through 23470  
a transfer of funds pursuant to division (L) of section 3317.023 23471

of the Revised Code, for other purposes. 23472

(D)(1) The department shall compute and distribute state 23473  
special education and related services additional weighted costs 23474  
funds to each joint vocational school district in accordance with 23475  
the following formula: 23476

state share percentage X formula amount X 23477

total special education weight 23478

(2)(a) As used in this division, the "personnel allowance" 23479  
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 23480  
~~2005, 2006, and 2007~~ 2008 and 2009. 23481

(b) For the provision of speech language pathology services 23482  
to students, including students who do not have individualized 23483  
education programs prepared for them under Chapter 3323. of the 23484  
Revised Code, and for no other purpose, the department shall pay 23485  
each joint vocational school district an amount calculated under 23486  
the following formula: 23487

(formula ADM divided by 2000) X the personnel 23488

allowance X state share percentage 23489

(3) In any fiscal year, a joint vocational school district 23490  
shall spend for purposes that the department designates as 23491  
approved for special education and related services expenses at 23492  
least the amount calculated as follows: 23493

~~(cost of doing business factor X formula amount~~ 23494

X the sum of categories one through 23495

six special education ADM) + 23496

(total special education weight X 23497

formula amount) 23498

The purposes approved by the department for special education 23499  
expenses shall include, but shall not be limited to, compliance 23500  
with state rules governing the education of handicapped children, 23501  
providing services identified in a student's individualized 23502

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.

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.

(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.

(E)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by

the district's state share percentage. 23534

(2) The district shall only report under division (E)(1) of 23535  
this section, and the department shall only pay for, the costs of 23536  
educational expenses and the related services provided to the 23537  
student in accordance with the student's individualized education 23538  
program. Any legal fees, court costs, or other costs associated 23539  
with any cause of action relating to the student may not be 23540  
included in the amount. 23541

(F) Each fiscal year, the department shall pay each joint 23542  
vocational school district an amount for adult technical and 23543  
vocational education and specialized consultants. 23544

(G)(1) A joint vocational school district's local share of 23545  
special education and related services additional weighted costs 23546  
equals: 23547

(1 - state share percentage) X 23548  
Total special education weight X 23549  
the formula amount 23550

(2) For each handicapped student receiving special education 23551  
and related services under an individualized education program, as 23552  
defined in section 3323.01 of the Revised Code, at a joint 23553  
vocational district, the resident district or, if the student is 23554  
enrolled in a community school, the community school shall be 23555  
responsible for the amount of any costs of providing those special 23556  
education and related services to that student that exceed the sum 23557  
of the amount calculated for those services attributable to that 23558  
student under divisions (B), (D), (E), and (G)(1) of this section. 23559

Those excess costs shall be calculated by subtracting the sum 23560  
of the following from the actual cost to provide special education 23561  
and related services to the student: 23562

(a) The ~~product of the~~ formula amount ~~times the~~ 23563  
~~cost of doing business factor;~~ 23564

(b) The product of the formula amount times the applicable multiple specified in section 3317.013 of the Revised Code;	23565 23566
(c) Any funds paid under division (E) of this section for the student;	23567 23568
(d) Any other funds received by the joint vocational school district under this chapter to provide special education and related services to the student, not including the amount calculated under division (G)(2) of this section.	23569 23570 23571 23572
(3) The board of education of the joint vocational school district may report the excess costs calculated under division (G)(2) of this section to the department of education.	23573 23574 23575
(4) If the board of education of the joint vocational school district reports excess costs under division (G)(3) of this section, the department shall pay the amount of excess cost calculated under division (G)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (G)(4)(a) or (b) of this section, as applicable:	23576 23577 23578 23579 23580 23581 23582
(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (M) of section 3317.023 of the Revised Code.	23583 23584 23585 23586
(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.	23587 23588 23589
<u>Sec. 3317.161. If the department of education is required to pay an amount under section 3353.25 of the Revised Code to a school district delivering a course included in the clearinghouse established under section 3353.21 of the Revised Code for a student enrolled in a joint vocational school district, the</u>	23590 23591 23592 23593 23594

department shall deduct the amount of that payment from the amount 23595  
calculated for the joint vocational school district under section 23596  
3317.16 of the Revised Code. 23597

**Sec. 3317.20.** This section does not apply to handicapped 23598  
preschool children. 23599

(A) As used in this section: 23600

(1) "Applicable weight" means the multiple specified in 23601  
section 3317.013 of the Revised Code for a handicap described in 23602  
that section. 23603

(2) "Child's school district" means the school district in 23604  
which a child is entitled to attend school pursuant to section 23605  
3313.64 or 3313.65 of the Revised Code. 23606

(3) "State share percentage" means the state share percentage 23607  
of the child's school district as defined in section 3317.022 of 23608  
the Revised Code. 23609

(B) Except as provided in division (C) of this section, the 23610  
department shall annually pay each county MR/DD board for each 23611  
handicapped child, other than a handicapped preschool child, for 23612  
whom the county MR/DD board provides special education and related 23613  
services ~~the greater of the amount calculated under division~~ 23614  
~~(B)(1) or (2) of this section;~~ 23615

~~(1) (The formula amount for fiscal year 2005 X the~~ 23616  
~~cost of doing business factor for the child's school district for~~ 23617  
~~fiscal year 2005) + (state share percentage for fiscal year 2005 X~~ 23618  
~~formula amount for fiscal year 2005 X the applicable weight);~~ 23619

~~(2) (The current an amount equal to the formula amount ~~times~~~~ 23620  
~~the current cost of doing business factor for the child's school~~ 23621  
~~district) + (state share percentage X ~~current~~ formula amount X the~~ 23622  
applicable weight). 23623

(C) If any school district places with a county MR/DD board 23624

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 fiscal year 1998.

(D) The department shall calculate for each county MR/DD board receiving payments under divisions (B) and (C) of this section the following amounts:

(1) The amount received by the county MR/DD board for approved special education and related services units, other than preschool handicapped units, in fiscal year 1998, divided by the total number of children served in the units that year;

(2) The product of the quotient calculated under division (D)(1) of this section times the number of children for whom payments are made under divisions (B) and (C) of this section.

If the amount calculated under division (D)(2) of this section is greater than the total amount calculated under divisions (B) and (C) of this section, the department shall pay the county MR/DD board one hundred per cent of the difference in addition to the payments under divisions (B) and (C) of this section.

**Sec. 3317.201.** This section does not apply to handicapped preschool children.

(A) As used in this section, the "total special education weight" for an institution means the sum of the following amounts:

(1) The number of children reported by the institution under

division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23655  
receiving services for a handicap described in division (A) of 23656  
section 3317.013 of the Revised Code multiplied by the multiple 23657  
specified in that division; 23658

(2) The number of children reported by the institution under 23659  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23660  
receiving services for a handicap described in division (B) of 23661  
section 3317.013 of the Revised Code multiplied by the multiple 23662  
specified in that division; 23663

(3) The number of children reported by the institution under 23664  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23665  
receiving services for a handicap described in division (C) of 23666  
section 3317.013 of the Revised Code multiplied by the multiple 23667  
specified in that division; 23668

(4) The number of children reported by the institution under 23669  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23670  
receiving services for a handicap described in division (D) of 23671  
section 3317.013 of the Revised Code multiplied by the multiple 23672  
specified in that division; 23673

(5) The number of children reported by the institution under 23674  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23675  
receiving services for a handicap described in division (E) of 23676  
section 3317.013 of the Revised Code multiplied by the multiple 23677  
specified in that division; 23678

(6) The number of children reported by the institution under 23679  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23680  
receiving services for a handicap described in division (F) of 23681  
section 3317.013 of the Revised Code multiplied by the multiple 23682  
specified in that division. 23683

(B) ~~The~~ For each fiscal year, the department of education 23684  
~~annually~~ shall pay each state institution required to provide 23685

special education services under division (A) of section 3323.091 23686  
of the Revised Code an amount equal to the greater of: 23687

(1) The formula amount times the institution's total special 23688  
education weight; 23689

(2) The aggregate amount of special education and related 23690  
services unit funding the institution received for all handicapped 23691  
children other than handicapped preschool children in fiscal year 23692  
2005 under sections 3317.052 and 3317.053 of the Revised Code, as 23693  
those sections existed prior to ~~the effective date of this section~~ 23694  
June 30, 2005. 23695

**Sec. 3318.12.** (A) The Ohio school facilities commission shall 23696  
cause to be transferred to the school district's project 23697  
construction fund the necessary amounts from amounts appropriated 23698  
by the general assembly and set aside for such purpose, from time 23699  
to time as may be necessary to pay obligations chargeable to such 23700  
fund when due. All investment earnings of a school district's 23701  
project construction fund shall be credited to the fund. 23702

(B)(1) The treasurer of the school district board shall 23703  
disburse funds from the school district's project construction 23704  
fund, including investment earnings credited to the fund, only 23705  
upon the approval of the commission or the commission's designated 23706  
representative. The commission or the commission's designated 23707  
representative shall issue vouchers against such fund, in such 23708  
amounts, and at such times as required by the contracts for 23709  
construction of the project. 23710

(2) Notwithstanding anything to the contrary in division 23711  
(B)(1) of this section, the school district board may, by a duly 23712  
adopted resolution, choose to use all or part of the investment 23713  
earnings of the district's project construction fund that are 23714  
attributable to the district's contribution to the fund to pay the 23715  
cost of classroom facilities or portions or components of 23716

classroom facilities that are not included in the district's basic project cost but that are related to the district's project. If the district board adopts a resolution in favor of using those investment earnings as authorized under division (B)(2) of this section, the treasurer shall disburse the amount as designated and directed by the board. However, if the district board chooses to use any part of the investment earnings for classroom facilities or portions or components of classroom facilities that are not included in the basic project cost, as authorized under division (B)(2) of this section, and, subsequently, the cost of the project exceeds the amount in the project construction fund, the district board shall restore to the project construction fund the full amount of the investment earnings used under division (B)(2) of this section before any additional state moneys shall be released for the project.

(C) After the project has been completed:

(1) ~~Any~~ At the discretion of the school district board, any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to the fund shall be transferred:

(a) Retained in the project construction fund for future projects;

(b) Transferred to the district's maintenance fund required by division (B) of section 3318.05 or section 3318.43 of the Revised Code, and the money so transferred shall be used solely for maintaining the classroom facilities included in the project;

(c) Transferred to the district's permanent improvement fund.

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 or

sections 3318.40 to 3318.45 of the Revised Code. 23748

(3) Any other surplus remaining in the school district's 23749  
project construction fund after the project has been completed 23750  
shall be transferred to the commission and the school district 23751  
board in proportion to their respective contributions to the fund. 23752  
The commission shall use the money transferred to it under this 23753  
division for expenditure pursuant to sections 3318.01 to 3318.20 23754  
or sections 3318.40 to 3318.45 of the Revised Code. 23755

(D) Pursuant to appropriations of the general assembly, any 23756  
moneys transferred to the commission under division (C)(2) or (3) 23757  
of this section from a project construction fund for a project 23758  
under sections 3318.40 to 3318.45 of the Revised Code may be used 23759  
for future expenditures for projects under sections 3318.40 to 23760  
3318.45 of the Revised Code, notwithstanding the two per cent 23761  
annual limit specified in division (B) of section 3318.40 of the 23762  
Revised Code. 23763

**Sec. 3318.15.** There is hereby created the public school 23764  
building fund within the state treasury consisting of any moneys 23765  
transferred or appropriated to the fund by the general assembly, 23766  
moneys paid into or transferred in accordance with section 3318.47 23767  
of the Revised Code, and any grants, gifts, or contributions 23768  
received by the Ohio school facilities commission to be used for 23769  
the purposes of the fund. All investment earnings of the fund 23770  
shall be credited to the fund. 23771

Moneys transferred or appropriated to the fund by the general 23772  
assembly and moneys in the fund from grants, gifts, and 23773  
contributions shall be used for the purposes of Chapter 3318. of 23774  
the Revised Code as prescribed by the general assembly. 23775

**Sec. 3318.26.** (A) The provisions of this section apply only 23776  
to obligations issued by the issuing authority prior to December 23777

1, 1999. 23778

(B) Subject to the limitations provided in section 3318.29 of 23779  
the Revised Code, the issuing authority, upon the certification by 23780  
the Ohio school facilities commission to the issuing authority of 23781  
the amount of moneys or additional moneys needed in the school 23782  
building program assistance fund for the purposes of sections 23783  
3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the Revised 23784  
Code, or needed for capitalized interest, for funding reserves, 23785  
and for paying costs and expenses incurred in connection with the 23786  
issuance, carrying, securing, paying, redeeming, or retirement of 23787  
the obligations or any obligations refunded thereby, including 23788  
payment of costs and expenses relating to letters of credit, lines 23789  
of credit, insurance, put agreements, standby purchase agreements, 23790  
indexing, marketing, remarketing and administrative arrangements, 23791  
interest swap or hedging agreements, and any other credit 23792  
enhancement, liquidity, remarketing, renewal, or refunding 23793  
arrangements, all of which are authorized by this section, shall 23794  
issue obligations of the state under this section in the required 23795  
amount. The proceeds of such obligations, except for obligations 23796  
issued to provide moneys for the school building program 23797  
assistance fund shall be deposited by the treasurer of state in 23798  
special funds, including reserve funds, as provided in the bond 23799  
proceedings. The issuing authority may appoint trustees, paying 23800  
agents, and transfer agents and may retain the services of 23801  
financial advisors and accounting experts and retain or contract 23802  
for the services of marketing, remarketing, indexing, and 23803  
administrative agents, other consultants, and independent 23804  
contractors, including printing services, as are necessary in the 23805  
issuing authority's judgment to carry out this section. The costs 23806  
of such services are payable from the school building program 23807  
assistance fund or any special fund determined by the issuing 23808  
authority. 23809

(C) The holders or owners of such obligations shall have no 23810  
right to have moneys raised by taxation obligated or pledged, and 23811  
moneys raised by taxation shall not be obligated or pledged, for 23812  
the payment of bond service charges. Such holders or owners shall 23813  
have no rights to payment of bond service charges from any money 23814  
or property received by the commission, treasurer of state, or the 23815  
state, or from any other use of the proceeds of the sale of the 23816  
obligations, and no such moneys may be used for the payment of 23817  
bond service charges, except for accrued interest, capitalized 23818  
interest, and reserves funded from proceeds received upon the sale 23819  
of the obligations and except as otherwise expressly provided in 23820  
the applicable bond proceedings pursuant to written directions by 23821  
the treasurer of state. The right of such holders and owners to 23822  
payment of bond service charges shall be limited to all or that 23823  
portion of the pledged receipts and those special funds pledged 23824  
thereto pursuant to the bond proceedings in accordance with this 23825  
section, and each such obligation shall bear on its face a 23826  
statement to that effect. 23827

(D) Obligations shall be authorized by resolution or order of 23828  
the issuing authority and the bond proceedings shall provide for 23829  
the purpose thereof and the principal amount or amounts, and shall 23830  
provide for or authorize the manner or agency for determining the 23831  
principal maturity or maturities, not exceeding the limits 23832  
specified in section 3318.29 of the Revised Code, the interest 23833  
rate or rates or the maximum interest rate, the date of the 23834  
obligations and the dates of payment of interest thereon, their 23835  
denomination, and the establishment within or without the state of 23836  
a place or places of payment of bond service charges. Sections 23837  
9.98 to 9.983 of the Revised Code are applicable to obligations 23838  
issued under this section, subject to any applicable limitation 23839  
under section 3318.29 of the Revised Code. The purpose of such 23840  
obligations may be stated in the bond proceedings in terms 23841  
describing the general purpose or purposes to be served. The bond 23842

proceedings shall also provide, subject to the provisions of any 23843  
other applicable bond proceedings, for the pledge of all, or such 23844  
part as the issuing authority may determine, of the pledged 23845  
receipts and the applicable special fund or funds to the payment 23846  
of bond service charges, which pledges may be made either prior or 23847  
subordinate to other expenses, claims, or payments, and may be 23848  
made to secure the obligations on a parity with obligations 23849  
theretofore or thereafter issued, if and to the extent provided in 23850  
the bond proceedings. The pledged receipts and special funds so 23851  
pledged and thereafter received by the state are immediately 23852  
subject to the lien of such pledge without any physical delivery 23853  
thereof or further act, and the lien of any such pledges is valid 23854  
and binding against all parties having claims of any kind against 23855  
the state or any governmental agency of the state, irrespective of 23856  
whether such parties have notice thereof, and shall create a 23857  
perfected security interest for all purposes of Chapter 1309. of 23858  
the Revised Code, without the necessity for separation or delivery 23859  
of funds or for the filing or recording of the bond proceedings by 23860  
which such pledge is created or any certificate, statement or 23861  
other document with respect thereto; and the pledge of such 23862  
pledged receipts and special funds is effective and the money 23863  
therefrom and thereof may be applied to the purposes for which 23864  
pledged without necessity for any act of appropriation, except as 23865  
required by section 3770.06 of the Revised Code. Every pledge, and 23866  
every covenant and agreement made with respect thereto, made in 23867  
the bond proceedings may therein be extended to the benefit of the 23868  
owners and holders of obligations authorized by this section, and 23869  
to any trustee therefor, for the further security of the payment 23870  
of the bond service charges. 23871

(E) The bond proceedings may contain additional provisions as 23872  
to: 23873

(1) The redemption of obligations prior to maturity at the 23874

option of the issuing authority at such price or prices and under	23875
such terms and conditions as are provided in the bond proceedings;	23876
(2) Other terms of the obligations;	23877
(3) Limitations on the issuance of additional obligations;	23878
(4) The terms of any trust agreement or indenture securing	23879
the obligations or under which the same may be issued;	23880
(5) The deposit, investment and application of special funds,	23881
and the safeguarding of moneys on hand or on deposit, without	23882
regard to Chapter 131., 133., or 135. of the Revised Code, but	23883
subject to any special provisions of sections 3318.21 to 3318.29	23884
of the Revised Code, with respect to particular funds or moneys,	23885
provided that any bank or trust company that acts as depository of	23886
any moneys in the special funds may furnish such indemnifying	23887
bonds or may pledge such securities as required by the issuing	23888
authority;	23889
(6) Any or every provision of the bond proceedings being	23890
binding upon such officer, board, commission, authority, agency,	23891
department, or other person or body as may from time to time have	23892
the authority under law to take such actions as may be necessary	23893
to perform all or any part of the duty required by such provision;	23894
(7) Any provision that may be made in a trust agreement or	23895
indenture;	23896
(8) The lease or sublease of any interest of the school	23897
district or the state in one or more projects as defined in	23898
division (C) of section 3318.01 of the Revised Code, or in one or	23899
more permanent improvements, to or from the issuing authority, as	23900
provided in one or more lease or sublease agreements between the	23901
school or the state and the issuing authority;	23902
(9) Any other or additional agreements with the holders of	23903
the obligations, or the trustee therefor, relating to the	23904

obligations or the security therefor. 23905

(F) The obligations may have the great seal of the state or a 23906  
facsimile thereof affixed thereto or printed thereon. The 23907  
obligations and any coupons pertaining to obligations shall be 23908  
signed or bear the facsimile signature of the issuing authority. 23909  
Any obligations or coupons may be executed by the person who, on 23910  
the date of execution, is the proper issuing authority although on 23911  
the date of such bonds or coupons such person was not the issuing 23912  
authority. In case the issuing authority whose signature or a 23913  
facsimile of whose signature appears on any such obligation or 23914  
coupon ceases to be the issuing authority before delivery thereof, 23915  
such signature or facsimile is nevertheless valid and sufficient 23916  
for all purposes as if the issuing authority had remained the 23917  
issuing authority until such delivery; and in case the seal to be 23918  
affixed to obligations has been changed after a facsimile of the 23919  
seal has been imprinted on such obligations, such facsimile seal 23920  
shall continue to be sufficient as to such obligations and 23921  
obligations issued in substitution or exchange therefor. 23922

(G) All obligations are negotiable instruments and securities 23923  
under Chapter 1308. of the Revised Code, subject to the provisions 23924  
of the bond proceedings as to registration. The obligations may be 23925  
issued in coupon or in registered form, or both, as the issuing 23926  
authority determines. Provision may be made for the registration 23927  
of any obligations with coupons attached thereto as to principal 23928  
alone or as to both principal and interest, their exchange for 23929  
obligations so registered, and for the conversion or reconversion 23930  
into obligations with coupons attached thereto of any obligations 23931  
registered as to both principal and interest, and for reasonable 23932  
charges for such registration, exchange, conversion, and 23933  
reconversion. 23934

(H) Obligations may be sold at public sale or at private 23935  
sale, as determined in the bond proceedings. 23936

(I) Pending preparation of definitive obligations, the 23937  
issuing authority may issue interim receipts or certificates which 23938  
shall be exchanged for such definitive obligations. 23939

(J) In the discretion of the issuing authority, obligations 23940  
may be secured additionally by a trust agreement or indenture 23941  
between the issuing authority and a corporate trustee which may be 23942  
any trust company or bank having ~~its principal~~ a place of business 23943  
within the state. Any such agreement or indenture may contain the 23944  
resolution or order authorizing the issuance of the obligations, 23945  
any provisions that may be contained in any bond proceedings, and 23946  
other provisions that are customary or appropriate in an agreement 23947  
or indenture of such type, including, but not limited to: 23948

(1) Maintenance of each pledge, trust agreement, indenture, 23949  
or other instrument comprising part of the bond proceedings until 23950  
the state has fully paid the bond service charges on the 23951  
obligations secured thereby, or provision therefor has been made; 23952

(2) In the event of default in any payments required to be 23953  
made by the bond proceedings, or any other agreement of the 23954  
issuing authority made as a part of the contract under which the 23955  
obligations were issued, enforcement of such payments or agreement 23956  
by mandamus, the appointment of a receiver, suit in equity, action 23957  
at law, or any combination of the foregoing; 23958

(3) The rights and remedies of the holders of obligations and 23959  
of the trustee, and provisions for protecting and enforcing them, 23960  
including limitations on rights of individual holders of 23961  
obligations; 23962

(4) The replacement of any obligations that become mutilated 23963  
or are destroyed, lost, or stolen; 23964

(5) Such other provisions as the trustee and the issuing 23965  
authority agree upon, including limitations, conditions, or 23966  
qualifications relating to any of the foregoing. 23967

(K) Any holder of obligations or a trustee under the bond 23968  
proceedings, except to the extent that the holder's or trustee's 23969  
rights are restricted by the bond proceedings, may by any suitable 23970  
form of legal proceedings, protect and enforce any rights under 23971  
the laws of this state or granted by such bond proceedings. Such 23972  
rights include the right to compel the performance of all duties 23973  
of the issuing authority, the commission, or the director of 23974  
budget and management required by sections 3318.21 to 3318.29 of 23975  
the Revised Code or the bond proceedings; to enjoin unlawful 23976  
activities; and in the event of default with respect to the 23977  
payment of any bond service charges on any obligations or in the 23978  
performance of any covenant or agreement on the part of the 23979  
issuing authority, the commission, or the director of budget and 23980  
management in the bond proceedings, to apply to a court having 23981  
jurisdiction of the cause to appoint a receiver to receive and 23982  
administer the pledged receipts and special funds, other than 23983  
those in the custody of the treasurer of state or the commission, 23984  
which are pledged to the payment of the bond service charges on 23985  
such obligations or which are the subject of the covenant or 23986  
agreement, with full power to pay, and to provide for payment of 23987  
bond service charges on, such obligations, and with such powers, 23988  
subject to the direction of the court, as are accorded receivers 23989  
in general equity cases, excluding any power to pledge additional 23990  
revenues or receipts or other income or moneys of the issuing 23991  
authority or the state or governmental agencies of the state to 23992  
the payment of such principal and interest and excluding the power 23993  
to take possession of, mortgage, or cause the sale or otherwise 23994  
dispose of any permanent improvement. 23995

Each duty of the issuing authority and the issuing 23996  
authority's officers and employees, and of each governmental 23997  
agency and its officers, members, or employees, undertaken 23998  
pursuant to the bond proceedings or any agreement or loan made 23999  
under authority of sections 3318.21 to 3318.29 of the Revised 24000

Code, and in every agreement by or with the issuing authority, is 24001  
hereby established as a duty of the issuing authority, and of each 24002  
such officer, member, or employee having authority to perform such 24003  
duty, specifically enjoined by the law resulting from an office, 24004  
trust, or station within the meaning of section 2731.01 of the 24005  
Revised Code. 24006

The person who is at the time the issuing authority, or the 24007  
issuing authority's officers or employees, are not liable in their 24008  
personal capacities on any obligations issued by the issuing 24009  
authority or any agreements of or with the issuing authority. 24010

(L) Obligations issued under this section are lawful 24011  
investments for banks, societies for savings, savings and loan 24012  
associations, deposit guarantee associations, trust companies, 24013  
trustees, fiduciaries, insurance companies, including domestic for 24014  
life and domestic not for life, trustees or other officers having 24015  
charge of sinking and bond retirement or other special funds of 24016  
political subdivisions and taxing districts of this state, the 24017  
commissioners of the sinking fund of the state, the administrator 24018  
of workers' compensation, the state teachers retirement system, 24019  
the public employees retirement system, the school employees 24020  
retirement system, and the Ohio police and fire pension fund, 24021  
notwithstanding any other provisions of the Revised Code or rules 24022  
adopted pursuant thereto by any governmental agency of the state 24023  
with respect to investments by them, and also are acceptable as 24024  
security for the deposit of public moneys. 24025

(M) Unless otherwise provided in any applicable bond 24026  
proceedings, moneys to the credit of or in the special funds 24027  
established by or pursuant to this section may be invested by or 24028  
on behalf of the issuing authority only in notes, bonds, or other 24029  
obligations of the United States, or of any agency or 24030  
instrumentality of the United States, obligations guaranteed as to 24031  
principal and interest by the United States, obligations of this 24032

state or any political subdivision of this state, and certificates 24033  
of deposit of any national bank located in this state and any 24034  
bank, as defined in section 1101.01 of the Revised Code, subject 24035  
to inspection by the superintendent of financial institutions. If 24036  
the law or the instrument creating a trust pursuant to division 24037  
(J) of this section expressly permits investment in direct 24038  
obligations of the United States or an agency of the United 24039  
States, unless expressly prohibited by the instrument, such moneys 24040  
also may be invested in no front end load money market mutual 24041  
funds consisting exclusively of obligations of the United States 24042  
or an agency of the United States and in repurchase agreements, 24043  
including those issued by the fiduciary itself, secured by 24044  
obligations of the United States or an agency of the United 24045  
States; and in collective investment funds established in 24046  
accordance with section 1111.14 of the Revised Code and consisting 24047  
exclusively of any such securities, notwithstanding division 24048  
(B)(1)(c) of that section. The income from such investments shall 24049  
be credited to such funds as the issuing authority determines, and 24050  
such investments may be sold at such times as the issuing 24051  
authority determines or authorizes. 24052

(N) Provision may be made in the applicable bond proceedings 24053  
for the establishment of separate accounts in the bond service 24054  
fund and for the application of such accounts only to the 24055  
specified bond service charges on obligations pertinent to such 24056  
accounts and bond service fund and for other accounts therein 24057  
within the general purposes of such fund. Unless otherwise 24058  
provided in any applicable bond proceedings, moneys to the credit 24059  
of or in the several special funds established pursuant to this 24060  
section shall be disbursed on the order of the treasurer of state, 24061  
provided that no such order is required for the payment from the 24062  
bond service fund when due of bond service charges on obligations. 24063

(O) The issuing authority may pledge all, or such portion as 24064

the issuing authority determines, of the pledged receipts to the 24065  
payment of bond service charges on obligations issued under this 24066  
section, and for the establishment and maintenance of any 24067  
reserves, as provided in the bond proceedings, and make other 24068  
provisions therein with respect to pledged receipts as authorized 24069  
by this chapter, which provisions shall be controlling 24070  
notwithstanding any other provisions of law pertaining thereto. 24071

(P) The issuing authority may covenant in the bond 24072  
proceedings, and any such covenants shall be controlling 24073  
notwithstanding any other provision of law, that the state and 24074  
applicable officers and governmental agencies of the state, 24075  
including the general assembly, so long as any obligations are 24076  
outstanding, shall: 24077

(1) Maintain statutory authority for and cause to be operated 24078  
the state lottery, including the transfers to and from the lottery 24079  
profits education fund created in section 3770.06 of the Revised 24080  
Code so that the pledged receipts shall be sufficient in amount to 24081  
meet bond service charges, and the establishment and maintenance 24082  
of any reserves and other requirements provided for in the bond 24083  
proceedings; 24084

(2) Take or permit no action, by statute or otherwise, that 24085  
would impair the exclusion from gross income for federal income 24086  
tax purposes of the interest on any obligations designated by the 24087  
bond proceeding as tax-exempt obligations. 24088

(Q) There is hereby created the school building program bond 24089  
service fund, which shall be in the custody of the treasurer of 24090  
state but shall be separate and apart from and not a part of the 24091  
state treasury. All moneys received by or on account of the 24092  
issuing authority or state agencies and required by the applicable 24093  
bond proceedings, consistent with this section, to be deposited, 24094  
transferred, or credited to the school building program bond 24095  
service fund, and all other moneys transferred or allocated to or 24096

received for the purposes of the fund, shall be deposited and 24097  
credited to such fund and to any separate accounts therein, 24098  
subject to applicable provisions of the bond proceedings, but 24099  
without necessity for any act of appropriation, except as required 24100  
by section 3770.06 of the Revised Code. During the period 24101  
beginning with the date of the first issuance of obligations and 24102  
continuing during such time as any such obligations are 24103  
outstanding, and so long as moneys in the school building program 24104  
bond service fund are insufficient to pay all bond service charges 24105  
on such obligations becoming due in each year, a sufficient amount 24106  
of the moneys from the lottery profits education fund included in 24107  
pledged receipts, subject to appropriation for such purpose as 24108  
provided in section 3770.06 of the Revised Code, are committed and 24109  
shall be paid to the school building program bond service fund in 24110  
each year for the purpose of paying the bond service charges 24111  
becoming due in that year. The school building program bond 24112  
service fund is a trust fund and is hereby pledged to the payment 24113  
of bond service charges solely on obligations issued to provide 24114  
moneys for the school building program assistance fund to the 24115  
extent provided in the applicable bond proceedings, and payment 24116  
thereof from such fund shall be made or provided for by the 24117  
treasurer of state in accordance with such bond proceedings 24118  
without necessity for any act of appropriation except as required 24119  
by section 3770.06 of the Revised Code. 24120

(R) The obligations, the transfer thereof, and the income 24121  
therefrom, including any profit made on the sale thereof, at all 24122  
times shall be free from taxation within the state. 24123

Sec. 3318.47. (A) On the effective date of this section, the 24124  
director of budget and management shall transfer any amount on 24125  
hand in the fund established under former section 3318.47 of the 24126  
Revised Code, as that section existed prior to the effective date 24127  
of this section, into the fund established under section 3318.15 24128

of the Revised Code. 24129

(B) On or after the effective date of this section, any 24130  
amounts received from school districts in repayment of loans made 24131  
under former sections 3318.47 to 3318.49, as those sections 24132  
existed prior to the effective date of this section, shall be 24133  
deposited into the fund established under section 3318.15 of the 24134  
Revised Code. 24135

**Sec. 3319.55.** (A) A grant program is hereby established to 24136  
recognize and reward teachers in public and chartered nonpublic 24137  
schools who hold valid teaching certificates or licenses issued by 24138  
the national board for professional teaching standards. The 24139  
superintendent of public instruction shall administer this program 24140  
in accordance with this section and rules which the state board of 24141  
education shall adopt in accordance with Chapter 119. of the 24142  
Revised Code. 24143

In each fiscal year that the general assembly appropriates 24144  
funds for purposes of this section, the superintendent of public 24145  
instruction shall award a grant to each person who, by the first 24146  
day of April of that year and in accordance with the rules adopted 24147  
under this section, submits to the superintendent evidence 24148  
indicating ~~all~~ both of the following: 24149

(1) The person holds a valid certificate or license issued by 24150  
the national board for professional teaching standards; 24151

(2) The person has been employed full-time as a teacher by 24152  
the board of education of a school district or by a chartered 24153  
nonpublic school in this state during the current school year; 24154

~~(3) The date the person was accepted into the national board~~ 24155  
~~certification or licensure program.~~ 24156

An individual may receive a grant under this section in each 24157  
fiscal year the person is eligible for a grant and submits 24158

evidence of that eligibility in accordance with this section. No 24159  
person may receive a grant after the expiration of the person's 24160  
initial certification or license issued by the national board. 24161

(B) The amount of the grant awarded to each eligible person 24162  
under division (A) of this section in any fiscal year shall equal 24163  
~~the following:~~ 24164

~~(1) Two two thousand five hundred dollars for any teacher 24165  
accepted as a candidate for certification or licensure by the 24166  
national board on or before May 31, 2003, and issued a certificate 24167  
or license by the national board on or before December 31, 2004;~~ 24168

~~(2) One thousand dollars for any other teacher issued a 24169  
certificate or license by the national board.~~ 24170

~~However.~~ However, if the funds appropriated for purposes of 24171  
this section in any fiscal year are not sufficient to award the 24172  
full grant amount to each person who is eligible in that fiscal 24173  
year, the superintendent shall prorate the amount of the grant 24174  
awarded in that fiscal year to each eligible person. 24175

**Sec. 3323.01.** As used in this chapter and Chapter 3321. of 24176  
the Revised Code: 24177

(A) "Handicapped child" means a person under twenty-two years 24178  
of age who is developmentally handicapped, hearing handicapped, 24179  
speech handicapped, visually disabled, severe behavior 24180  
handicapped, orthopedically handicapped, multihandicapped, other 24181  
health handicapped, specific learning disabled, autistic, or 24182  
traumatic brain injured, and by reason thereof requires special 24183  
education. 24184

(B) "Special education program" means the required related 24185  
services and instruction specifically designed to meet the unique 24186  
needs of a handicapped child, including classroom instruction, 24187  
home instruction, and instruction in hospitals and institutions 24188

and in other settings.	24189
(C) "Related services" means transportation, and such	24190
developmental, corrective, and other supportive services as may be	24191
required to assist a handicapped child to benefit from special	24192
education, including the early identification and assessment of	24193
handicapped conditions in children, speech pathology and	24194
audiology, psychological services, occupational and physical	24195
therapy, physical education, recreation, counseling services	24196
including rehabilitative counseling, and medical services, except	24197
that such medical services shall be for diagnostic and evaluation	24198
purposes only.	24199
(D) "Appropriate public education" means special education	24200
and related services that:	24201
(1) Are provided at public expense and under public	24202
supervision;	24203
(2) Meet the standards of the state board of education;	24204
(3) Include an appropriate preschool, elementary, or	24205
secondary education;	24206
(4) Are provided in conformity with the individualized	24207
education program required under this chapter.	24208
(E) "Individualized education program" means a written	24209
statement for each handicapped child designed to meet the unique	24210
needs of a handicapped child, which statement shall include:	24211
(1) A statement of the present levels of educational	24212
performance of such child;	24213
(2) A statement of annual goals, including short-term	24214
instructional objectives;	24215
(3) A statement of the specific educational services to be	24216
provided to such child, and the extent to which such child will be	24217
able to participate in regular educational programs;	24218

(4) A statement of the transition services needed for such child beginning no later than age sixteen and annually thereafter (and, when determined appropriate for such child, beginning at age fourteen or younger), including, when appropriate, a statement of the interagency responsibilities and linkages before the student leaves the school setting;

(5) The projected date for initiation and anticipated duration of such services;

(6) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved, and whether current placement is appropriate.

(F) "Other educational agency" means a department, bureau, office, institution, board, commission, committee, authority, or other state or local agency, other than a school district or an agency administered by the department of mental retardation and developmental disabilities, that provides or seeks to provide special education or related services to handicapped children.

(G) "School district" means a city, local, or exempted village school district.

(H) "Parents" means either parent. If the parents are separated or divorced, "parent" means the parent who is the residential parent and legal custodian of the handicapped child. Except as used in division (I) of this section and in sections 3323.09 and 3323.141 of the Revised Code, "parents" includes a child's guardian or custodian. This definition does not apply to Chapter 3321. of the Revised Code.

(I) As used in sections 3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, "school district of residence" means:

(1) The school district in which the child's parents reside;

(2) If the school district specified in division (I)(1) of 24250  
this section cannot be determined, the last school district in 24251  
which the child's parents are known to have resided if the 24252  
parents' whereabouts are unknown; 24253

(3) If the school district specified in division (I)(2) of 24254  
this section cannot be determined, the school district determined 24255  
~~by the court~~ under section 2151.362 of the Revised Code, or if no 24256  
district has been so determined, the school district as determined 24257  
by the probate court of the county in which the child resides. The 24258  
school district of residence that had been established under this 24259  
section on December 12, 1983, shall remain the child's school 24260  
district of residence unless a district of residence can be 24261  
determined under division (I)(1) or (2) of this section. 24262

(4) Notwithstanding divisions (I)(1) to (3) of this section, 24263  
if a school district is required by section 3313.65 of the Revised 24264  
Code to pay tuition for a child, that district shall be the 24265  
child's school district of residence. 24266

(J) "County MR/DD board" means a county board of mental 24267  
retardation and developmental disabilities. 24268

(K) "Handicapped preschool child" means a handicapped child 24269  
who is at least three years of age but is not of compulsory school 24270  
age, as defined under section 3321.01 of the Revised Code, and who 24271  
is not currently enrolled in kindergarten. 24272

(L) "Transition services" means a coordinated set of 24273  
activities for a student, designed within an outcome-oriented 24274  
process, that: 24275

(1) Promotes movement from school to post-school activities, 24276  
including post-secondary education; vocational training; 24277  
integrated employment, including supported employment; continuing 24278  
and adult education; adult services; independent living; and 24279  
community participation; 24280

(2) Is based upon the individual student's needs, including	24281
taking into account the student's preferences and interests;	24282
(3) Includes instruction, community experiences, the	24283
development of employment and other post-school adult living	24284
objectives, and, when appropriate, acquisition of daily living	24285
skills and functional vocational evaluation.	24286
(M) "Visual disability" for any individual means that one of	24287
the following applies to the individual:	24288
(1) The individual has a visual acuity of 20/200 or less in	24289
the better eye with correcting lenses or has a limited field of	24290
vision in the better eye such that the widest diameter subtends an	24291
angular distance of no greater than twenty degrees.	24292
(2) The individual has a medically indicated expectation of	24293
meeting the requirements of division (M)(1) of this section over a	24294
period of time.	24295
(3) The individual has a medically diagnosed and medically	24296
uncorrectable limitation in visual functioning that adversely	24297
affects the individual's ability to read and write standard print	24298
at levels expected of the individual's peers of comparable ability	24299
and grade level.	24300
(N) "Student with a visual disability" means any person under	24301
twenty-two years of age who has a visual disability.	24302
(O) "Instruction in braille reading and writing" means the	24303
teaching of the system of reading and writing through touch	24304
commonly known as standard English braille.	24305
<u>Sec. 3323.052. Not later than sixty days after the effective</u>	24306
<u>date of this section, the department of education shall develop a</u>	24307
<u>document that compares a parent's and child's rights under this</u>	24308
<u>chapter and 20 U.S.C. 1400 et seq. with the parent's and child's</u>	24309
<u>rights under the special education scholarship pilot program,</u>	24310

established in sections 3310.51 to 3310.63 of the Revised Code, 24311  
including the provisions of divisions (A) and (B) of section 24312  
3310.53 of the Revised Code. The department shall revise that 24313  
document as necessary to reflect any pertinent changes in state or 24314  
federal statutory law, rule, or regulation enacted or adopted 24315  
after the initial document is developed. The department and each 24316  
school district shall ensure that the document prescribed in this 24317  
section is included in, appended to, or otherwise distributed in 24318  
conjunction with the notice required under 20 U.S.C. 1415(d), and 24319  
any provision of the Code of Federal Regulations implementing that 24320  
requirement, in the manner and at all the times specified for such 24321  
notice in federal law or regulation. 24322

**Sec. 3323.11.** Teachers in education programs under this 24323  
chapter shall possess the usual qualifications required of ~~special~~ 24324  
~~education teachers~~ intervention specialists in the public schools. 24325

**Sec. 3327.05.** (A) Except as provided in division (B) of this 24326  
section, no board of education of any school district shall 24327  
provide transportation for any pupil who is a school resident of 24328  
another school district unless the pupil is enrolled pursuant to 24329  
section 3313.98 of the Revised Code or the board of the other 24330  
district has given its written consent thereto. If the board of 24331  
any school district files with the state board of education a 24332  
written complaint that transportation for resident pupils is being 24333  
provided by the board of another school district contrary to this 24334  
division, the state board of education shall make an investigation 24335  
of such complaint. If the state board of education finds that 24336  
transportation is being provided contrary to this section, it may 24337  
withdraw from state funds due the offending district any part of 24338  
the amount that has been approved for transportation pursuant to 24339  
division (D) of section 3317.022 of the Revised Code. 24340

(B) Notwithstanding division (D) of section 3311.19 and 24341

division (D) of section 3311.52 of the Revised Code, this division 24342  
does not apply to any joint vocational or cooperative education 24343  
school district. 24344

A board of education may provide transportation to and from 24345  
the nonpublic ~~high~~ school of attendance if both of the following 24346  
apply: 24347

(1) The parent, guardian, or other person in charge of the 24348  
pupil agrees to pay the board for all costs incurred in providing 24349  
the transportation that are not reimbursed pursuant to Chapter 24350  
3317. of the Revised Code; 24351

(2) The pupil's school district of residence does not provide 24352  
transportation for public school pupils of the same grade as the 24353  
pupil being transported under this division, or that district is 24354  
not required under section 3327.01 of the Revised Code to 24355  
transport the pupil to and from the nonpublic school because the 24356  
direct travel time to the nonpublic school is more than thirty 24357  
minutes. 24358

Upon receipt of the request to provide transportation, the 24359  
board shall review the request and determine whether the board 24360  
will accommodate the request. If the board agrees to transport the 24361  
pupil, the board may transport the pupil to and from the nonpublic 24362  
school and a collection point in the district, as determined by 24363  
the board. If the board transports the pupil, the board may 24364  
include the pupil in the district's transportation ADM reported to 24365  
the department of education under section 3317.03 of the Revised 24366  
Code and, accordingly, may receive a state payment under division 24367  
(D) of section 3317.022 of the Revised Code for transporting the 24368  
pupil. 24369

If the board declines to transport the pupil, the board, in a 24370  
written communication to the parent, guardian, or other person in 24371  
charge of the pupil, shall state the reasons for declining the 24372

request. 24373

Sec. 3327.17. The department of development shall establish a 24374  
biodiesel school bus program under which the director of 24375  
development shall make grants to school districts that use 24376  
biodiesel fuel for pupil transportation to help offset incremental 24377  
costs incurred by using biodiesel instead of one hundred per cent 24378  
petroleum diesel. 24379

As used in this section, "biodiesel" has the same meaning as 24380  
in section 122.075 of the Revised Code. 24381

**Sec. 3333.04.** The Ohio board of regents shall: 24382

(A) Make studies of state policy in the field of higher 24383  
education and formulate a master plan for higher education for the 24384  
state, considering the needs of the people, the needs of the 24385  
state, and the role of individual public and private institutions 24386  
within the state in fulfilling these needs; 24387

(B)(1) Report annually to the governor and the general 24388  
assembly on the findings from its studies and the master plan for 24389  
higher education for the state; 24390

(2) Report at least semiannually to the general assembly and 24391  
the governor the enrollment numbers at each state-assisted 24392  
institution of higher education. 24393

(C) Approve or disapprove the establishment of new branches 24394  
or academic centers of state colleges and universities; 24395

(D) Approve or disapprove the establishment of state 24396  
technical colleges or any other state institution of higher 24397  
education; 24398

(E) Recommend the nature of the programs, undergraduate, 24399  
graduate, professional, state-financed research, and public 24400  
services which should be offered by the state colleges, 24401

universities, and other state-assisted institutions of higher 24402  
education in order to utilize to the best advantage their 24403  
facilities and personnel; 24404

(F) Recommend to the state colleges, universities, and other 24405  
state-assisted institutions of higher education graduate or 24406  
professional programs, including, but not limited to, doctor of 24407  
philosophy, doctor of education, and juris doctor programs, that 24408  
could be eliminated because they constitute unnecessary 24409  
duplication, as shall be determined using the process developed 24410  
pursuant to this section, or for other good and sufficient cause. 24411  
For purposes of determining the amounts of any state instructional 24412  
subsidies paid to these colleges, universities, and institutions, 24413  
the board may exclude students enrolled in any program that the 24414  
board has recommended for elimination pursuant to this division 24415  
except that the board shall not exclude any such student who 24416  
enrolled in the program prior to the date on which the board 24417  
initially commences to exclude students under this division. The 24418  
board of regents and these colleges, universities, and 24419  
institutions shall jointly develop a process for determining which 24420  
existing graduate or professional programs constitute unnecessary 24421  
duplication. 24422

(G) Recommend to the state colleges, universities, and other 24423  
state-assisted institutions of higher education programs which 24424  
should be added to their present programs; 24425

(H) Conduct studies for the state colleges, universities, and 24426  
other state-assisted institutions of higher education to assist 24427  
them in making the best and most efficient use of their existing 24428  
facilities and personnel; 24429

(I) Make recommendations to the governor and general assembly 24430  
concerning the development of state-financed capital plans for 24431  
higher education; the establishment of new state colleges, 24432  
universities, and other state-assisted institutions of higher 24433

education; and the establishment of new programs at the existing 24434  
state colleges, universities, and other institutions of higher 24435  
education; 24436

(J) Review the appropriation requests of the public community 24437  
colleges and the state colleges and universities and submit to the 24438  
office of budget and management and to the chairpersons of the 24439  
finance committees of the house of representatives and of the 24440  
senate its recommendations in regard to the biennial higher 24441  
education appropriation for the state, including appropriations 24442  
for the individual state colleges and universities and public 24443  
community colleges. For the purpose of determining the amounts of 24444  
instructional subsidies to be paid to state-assisted colleges and 24445  
universities, the board shall define "full-time equivalent 24446  
student" by program per academic year. The definition may take 24447  
into account the establishment of minimum enrollment levels in 24448  
technical education programs below which support allowances will 24449  
not be paid. Except as otherwise provided in this section, the 24450  
board shall make no change in the definition of "full-time 24451  
equivalent student" in effect on November 15, 1981, which would 24452  
increase or decrease the number of subsidy-eligible full-time 24453  
equivalent students, without first submitting a fiscal impact 24454  
statement to the president of the senate, the speaker of the house 24455  
of representatives, the legislative service commission, and the 24456  
director of budget and management. The board shall work in close 24457  
cooperation with the director of budget and management in this 24458  
respect and in all other matters concerning the expenditures of 24459  
appropriated funds by state colleges, universities, and other 24460  
institutions of higher education. 24461

(K) Seek the cooperation and advice of the officers and 24462  
trustees of both public and private colleges, universities, and 24463  
other institutions of higher education in the state in performing 24464  
its duties and making its plans, studies, and recommendations; 24465

(L) Appoint advisory committees consisting of persons associated with public or private secondary schools, members of the state board of education, or personnel of the state department of education;	24466 24467 24468 24469
(M) Appoint advisory committees consisting of college and university personnel, or other persons knowledgeable in the field of higher education, or both, in order to obtain their advice and assistance in defining and suggesting solutions for the problems and needs of higher education in this state;	24470 24471 24472 24473 24474
(N) Approve or disapprove all new degrees and new degree programs at all state colleges, universities, and other state-assisted institutions of higher education;	24475 24476 24477
(O) Adopt such rules as are necessary to carry out its duties and responsibilities;	24478 24479
(P) Establish and submit to the governor and the general assembly a clear and measurable set of goals and timetables for their achievement for each program under the supervision of the board that is designed to accomplish any of the following:	24480 24481 24482 24483
(1) Increased access to higher education;	24484
(2) Job training;	24485
(3) Adult literacy;	24486
(4) Research;	24487
(5) Excellence in higher education;	24488
(6) Reduction in the number of graduate programs within the same subject area.	24489 24490
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.	24491 24492 24493
(Q) Make recommendations to the governor and the general	24494

assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.27, and 5910.02 of the Revised Code;

(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;

(S) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 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;

(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;

(U) Conduct enrollment audits of state-supported institutions of higher education;

(V) Appoint consortiums of college and university personnel to participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the board shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated to the board for consortiums shall be distributed to the fiscal agents for the operation of the consortiums. A consortium shall follow the rules of the college or university that serves as its fiscal agent.

**Sec. 3333.122.** (A) As used in this section:

(1) "Eligible student" means a student who is:

(a) An Ohio resident who first enrolls in an undergraduate program in the 2006-2007 academic year or thereafter;	24525 24526
(b) <del>Enrolled</del> <u>If the student first enrolled in an undergraduate program in the 2006-2007 or 2007-2008 academic year, the student is enrolled</u> in either of the following:	24527 24528 24529
(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization from the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, has a certificate of registration from the state board of career colleges and schools and program authorization to award an associate or bachelor's degree, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. Students who attend an institution that holds a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization issued under section 3332.05 of the Revised Code.	24530 24531 24532 24533 24534 24535 24536 24537 24538 24539 24540 24541 24542 24543 24544
(ii) A technical education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964.	24545 24546 24547 24548
(c) <u>If the student first enrolled in an undergraduate program after the 2007-2008 academic year, the student is enrolled in either of the following:</u>	24549 24550 24551
(i) <u>An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization from the board of regents pursuant to</u>	24552 24553 24554 24555

Chapter 1713. of the Revised Code, or is a private institution 24556  
exempt from regulation under Chapter 3332. of the Revised Code as 24557  
prescribed in section 3333.046 of the Revised Code; 24558

(ii) An education program of at least two years duration 24559  
sponsored by a private institution of higher education in this 24560  
state that meets the requirements of Title VI of the Civil Rights 24561  
Act of 1964 and has a certificate of authorization from the board 24562  
of regents pursuant to Chapter 1713. of the Revised Code. 24563

(2) A student who participated in either the early college 24564  
high school program administered by the department of education or 24565  
in the post-secondary enrollment options program pursuant to 24566  
Chapter 3365. of the Revised Code before the 2006-2007 academic 24567  
year shall not be excluded from eligibility for a ~~need-based~~ 24568  
needs-based financial aid grant under this section. 24569

(3) "Resident," "expected family contribution" or "EFC," 24570  
"full-time student," "three-quarters-time student," "half-time 24571  
student," "one-quarter-time student," and "accredited" shall be 24572  
defined by rules adopted by the board. 24573

(B) The Ohio board of regents shall establish and administer 24574  
a needs-based financial aid program based on the United States 24575  
department of education's method of determining financial need and 24576  
may adopt rules to carry out this section. The program shall be 24577  
known as the Ohio college opportunity grant program. The general 24578  
assembly shall support the needs-based financial aid program by 24579  
such sums and in such manner as it may provide, but the board may 24580  
also receive funds from other sources to support the program. If 24581  
the amounts available for support of the program are inadequate to 24582  
provide grants to all eligible students, preference in the payment 24583  
of grants shall be given in terms of expected family contribution, 24584  
beginning with the lowest expected family contribution category 24585  
and proceeding upward by category to the highest expected family 24586  
contribution category. 24587

A needs-based financial aid grant shall be paid to an eligible student through the institution in which the student is enrolled, except that no needs-based financial aid grant shall be paid to any person serving a term of imprisonment. Applications for such grants shall be made as prescribed by the board, and such applications may be made in conjunction with and upon the basis of information provided in conjunction with student assistance programs funded by agencies of the United States government or from financial resources of the institution of higher education. 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. 24620

(2) "Career college" means either an institution that holds a 24621  
certificate of registration from the state board of career 24622  
colleges and schools or a private institution exempt from 24623  
regulation under Chapter 3332. of the Revised Code as prescribed 24624  
in section 3333.046 of the Revised Code. 24625

Full-time students shall be eligible to receive awards 24626  
according to the following table: 24627

Full-Time Enrollment 24628

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$300	\$600	\$480	24630
2,001	2,100	402	798	642	24631
1,901	2,000	498	1,002	798	24632
1,801	1,900	600	1,200	960	24633
1,701	1,800	702	1,398	1,122	24634
1,601	1,700	798	1,602	1,278	24635
1,501	1,600	900	1,800	1,440	24636
1,401	1,500	1,002	1,998	1,602	24637
1,301	1,400	1,098	2,202	1,758	24638
1,201	1,300	1,200	2,400	1,920	24639
1,101	1,200	1,302	2,598	2,082	24640
1,001	1,100	1,398	2,802	2,238	24641
901	1,000	1,500	3,000	2,400	24642
801	900	1,602	3,198	2,562	24643
701	800	1,698	3,402	2,718	24644

601	700	1,800	3,600	2,280	24645
501	600	1,902	3,798	3,042	24646
401	500	1,998	4,002	3,198	24647
301	400	2,100	4,200	3,360	24648
201	300	2,202	4,398	3,522	24649
101	200	2,298	4,602	3,678	24650
1	100	2,400	4,800	3,840	24651
0	0	2,496	4,992	3,996	24652

Three-quarters-time students shall be eligible to receive awards according to the following table: 24653  
24654

Three-Quarters-Time Enrollment 24655

If the EFC is equal to or greater than:	And the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$228	\$450	\$360	24657
2,001	2,100	300	600	480	24658
1,901	2,000	372	750	600	24659
1,801	1,900	450	900	720	24660
1,701	1,800	528	1,050	840	24661
1,601	1,700	600	1,200	960	24662
1,501	1,600	678	1,350	1,080	24663
1,401	1,500	750	1,500	1,200	24664
1,301	1,400	822	1,650	1,320	24665
1,201	1,300	900	1,800	1,440	24666
1,101	1,200	978	1,950	1,560	24667
1,001	1,100	1,050	2,100	1,680	24668
901	1,000	1,128	2,250	1,800	24669
801	900	1,200	2,400	1,920	24670

701	800	1,272	2,550	2,040	24671
601	700	1,350	2,700	2,160	24672
501	600	1,428	2,850	2,280	24673
401	500	1,500	3,000	2,400	24674
301	400	1,578	3,150	2,520	24675
201	300	1,650	3,300	2,640	24676
101	200	1,722	3,450	2,760	24677
1	100	1,800	3,600	2,880	24678
0	0	1,872	3,744	3,000	24679

Half-time students shall be eligible to receive awards 24680  
according to the following table: 24681

Half-Time Enrollment 24682

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$150	\$300	\$240	24683
2,001	2,100	204	402	324	24684
1,901	2,000	252	504	402	24685
1,801	1,900	300	600	480	24686
1,701	1,800	354	702	564	24687
1,601	1,700	402	804	642	24688
1,501	1,600	450	900	720	24689
1,401	1,500	504	1,002	804	24690
1,301	1,400	552	1,104	882	24691
1,201	1,300	600	1,200	960	24692
1,101	1,200	654	1,302	1,044	24693
1,001	1,100	702	1,404	1,122	24694
901	1,000	750	1,500	1,200	24695

801	900	804	1,602	1,284	24697
701	800	852	1,704	1,362	24698
601	700	900	1,800	1,440	24699
501	600	954	1,902	1,524	24700
401	500	1,002	2,004	1,602	24701
301	400	1,050	2,100	1,680	24702
201	300	1,104	2,202	1,764	24703
101	200	1,152	2,304	1,842	24704
1	100	1,200	2,400	1,920	24705
0	0	1,248	2,496	1,998	24706

One-quarter-time students shall be eligible to receive awards 24707  
according to the following table: 24708

One-Quarter-Time Enrollment 24709

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$78	\$150	\$120	24710
2,001	2,100	102	198	162	24711
1,901	2,000	126	252	198	24712
1,801	1,900	150	300	240	24713
1,701	1,800	174	348	282	24714
1,601	1,700	198	402	318	24715
1,501	1,600	228	450	360	24716
1,401	1,500	252	498	402	24717
1,301	1,400	276	552	438	24718
1,201	1,300	300	600	480	24719
1,101	1,200	324	648	522	24720
1,001	1,100	348	702	558	24721
					24722

901	1,000	378	750	600	24723
801	900	402	798	642	24724
701	800	426	852	678	24725
601	700	450	900	720	24726
501	600	474	948	762	24727
401	500	498	1,002	798	24728
301	400	528	1,050	840	24729
201	300	552	1,098	882	24730
101	200	576	1,152	918	24731
1	100	600	1,200	960	24732
0	0	624	1,248	1,002	24733

(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.

(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.

(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. 24755

(2) Division (F)(1) of this section does not apply to the 24756  
following: 24757

(a) Any student enrolled in an institution that under the 24758  
federal law appeals its loss of eligibility for federal financial 24759  
aid and the United States secretary of education determines its 24760  
cohort default rate after recalculation is lower than the rate 24761  
specified in division (F)(1) of this section or the secretary 24762  
determines due to mitigating circumstances the institution may 24763  
continue to participate in federal financial aid programs. The 24764  
board shall adopt rules requiring institutions to provide 24765  
information regarding an appeal to the board. 24766

(b) Any student who has previously received a grant under 24767  
this section who meets all other requirements of this section. 24768

(3) The board shall adopt rules for the notification of all 24769  
institutions whose students will be ineligible to participate in 24770  
the grant program pursuant to division (F)(1) of this section. 24771

(4) A student's attendance at an institution whose students 24772  
lose eligibility for grants under division (F)(1) of this section 24773  
shall not affect that student's eligibility to receive a grant 24774  
when enrolled in another institution. 24775

(G) Institutions of higher education that enroll students 24776  
receiving needs-based financial aid grants under this section 24777  
shall report to the board all students who have received 24778  
needs-based financial aid grants but are no longer eligible for 24779  
all or part of such grants and shall refund any moneys due the 24780  
state within thirty days after the beginning of the quarter or 24781  
term immediately following the quarter or term in which the 24782  
student was no longer eligible to receive all or part of the 24783  
student's grant. There shall be an interest charge of one per cent 24784  
per month on all moneys due and payable after such thirty-day 24785

period. The board shall immediately notify the office of budget 24786  
and management and the legislative service commission of all 24787  
refunds so received. 24788

**Sec. 3333.38.** (A) As used in this section: 24789

(1) "Institution of higher education" includes all of the 24790  
following: 24791

(a) A state institution of higher education, as defined in 24792  
section 3345.011 of the Revised Code; 24793

(b) A nonprofit institution issued a certificate of 24794  
authorization by the Ohio board of regents under Chapter 1713. of 24795  
the Revised Code; 24796

(c) A private institution exempt from regulation under 24797  
Chapter 3332. of the Revised Code, as prescribed in section 24798  
3333.046 of the Revised Code; 24799

(d) An institution of higher education with a certificate of 24800  
registration from the state board of career colleges and schools 24801  
under Chapter 3332. of the Revised Code. 24802

(2) "Student financial assistance supported by state funds" 24803  
includes assistance granted under sections 3315.33, 3333.12, 24804  
3333.122, 3333.21, 3333.26, 3333.27, 3333.28, ~~3333.29~~, 3333.372, 24805  
5910.03, 5910.032, and 5919.34 of the Revised Code and any other 24806  
post-secondary student financial assistance supported by state 24807  
funds. 24808

(B) An individual who is convicted of, pleads guilty to, or 24809  
is adjudicated a delinquent child for one of the following 24810  
violations shall be ineligible to receive any student financial 24811  
assistance supported by state funds at an institution of higher 24812  
education for two calendar years from the time the individual 24813  
applies for assistance of that nature: 24814

(1) A violation of section 2917.02 or 2917.03 of the Revised 24815

Code; 24816

(2) A violation of section 2917.04 of the Revised Code that 24817  
is a misdemeanor of the fourth degree; 24818

(3) A violation of section 2917.13 of the Revised Code that 24819  
is a misdemeanor of the fourth or first degree and occurs within 24820  
the proximate area where four or more others are acting in a 24821  
course of conduct in violation of section 2917.11 of the Revised 24822  
Code. 24823

(C) If an individual is convicted of, pleads guilty to, or is 24824  
adjudicated a delinquent child for committing a violation of 24825  
section 2917.02 or 2917.03 of the Revised Code, and if the 24826  
individual is enrolled in a state-supported institution of higher 24827  
education, the institution in which the individual is enrolled 24828  
shall immediately dismiss the individual. No state-supported 24829  
institution of higher education shall admit an individual of that 24830  
nature for one academic year after the individual applies for 24831  
admission to a state-supported institution of higher education. 24832  
This division does not limit or affect the ability of a 24833  
state-supported institution of higher education to suspend or 24834  
otherwise discipline its students. 24835

Sec. 3333.50. The Ohio board of regents, in consultation with 24836  
the governor and the department of development, shall develop a 24837  
critical needs rapid response system to respond quickly to 24838  
critical workforce shortages in the state. Not later than ninety 24839  
days after a critical workforce shortage is identified, the 24840  
chancellor of the board shall submit to the governor a proposal 24841  
for addressing the shortage through initiatives of the board or 24842  
institutions of higher education. 24843

Sec. 3333.55. (A) The health information and imaging 24844  
technology workforce development pilot project is hereby 24845

established. Under the project, in fiscal years 2008 through 2010, 24846  
the Ohio board of regents shall design and implement a three-year 24847  
pilot program to test, in the vicinity of Clark, Greene, and 24848  
Montgomery counties, how a P-16 public-private education and 24849  
workforce development collaborative may address each of the 24850  
following goals: 24851

(1) Increase the number of students taking and mastering 24852  
high-level science, technology, engineering, or mathematics 24853  
courses and pursuing careers in those subjects, in all demographic 24854  
regions of the state; 24855

(2) Increase the number of students pursuing professional 24856  
careers in health information and imaging technology upon 24857  
receiving related technical education and professional experience, 24858  
in all demographic regions of the state; 24859

(3) Unify efforts among schools, career centers, 24860  
post-secondary programs, and employers in a region for career and 24861  
workforce development, preservation, and public education. 24862

(B) The project shall focus on enhancing P-16 education and 24863  
workforce development in the field of health information and 24864  
imaging technology through such activities as increased academic 24865  
intervention in related areas of study, after-school and summer 24866  
intervention programs, tutoring, career and job fairs and other 24867  
promotional and recruitment activities, externships, professional 24868  
development, field trips, academic competitions, development of 24869  
related specialized study modules, development of honors programs, 24870  
and development and enhancement of dual high school and college 24871  
enrollment programs. 24872

(C) Project participants shall include Clark-Shawnee local 24873  
school district, Springfield city school district, Greene county 24874  
career center, Clark state community college, Central state 24875  
university, Wright state university, Cedarville university, 24876

Wittenberg university, the university of Dayton, and private 24877  
employers in the health information and imaging technology 24878  
industry in the vicinity of Clark, Greene, and Montgomery 24879  
counties, selected by the board of regents. 24880

For the third year of the project, the board of regents may 24881  
add as participants the Dayton city school district and Xenia city 24882  
school district. 24883

(D) Wittenberg university shall be the lead coordinating 24884  
agent and Clark state community college shall be the fiscal agent 24885  
for the project. 24886

(E) The board of regents shall create an advisory council 24887  
made up of representatives of the participating entities to 24888  
coordinate, monitor, and evaluate the project. The advisory 24889  
council shall submit an annual activity report to the board of 24890  
regents by a date specified by the board of regents. 24891

**Sec. 3345.02.** As used in this section, "state institution of 24892  
higher education" has the same meaning as in section 3345.011 of 24893  
the Revised Code. 24894

Beginning in the 2008-2009 academic year, each state 24895  
institution of higher education shall include in each statement of 24896  
estimated or actual charges owed by a student enrolled in the 24897  
institution an itemized list of the instructional fees, general 24898  
fees, special purpose fees, service charges, fines, and any other 24899  
fees or surcharges applicable to the student. 24900

**Sec. 3353.20.** As used in sections 3353.20 to 3353.30 of the 24901  
Revised Code: 24902

(A) "Clearinghouse" means the clearinghouse established under 24903  
section 3353.21 of the Revised Code. 24904

(B) "Data verification code" means the code assigned to a 24905

student under division (D)(2) of section 3301.0714 of the Revised Code. 24906  
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(C) "One-half unit" of instruction has the same meaning as in section 3313.603 of the Revised Code. 24908  
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(D) A "student's community school" means the community school established under Chapter 3314. of the Revised Code in which the student is enrolled instead of being enrolled in a school operated by a school district. 24910  
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(E) A "student's school district" means the school district operating the school in which the student is lawfully enrolled. 24914  
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Sec. 3353.21. (A) The eTech Ohio commission shall establish a clearinghouse of interactive distance learning courses and other distance learning courses delivered via a computer-based method offered by school districts for sharing with other school districts and community schools for the fee set pursuant to section 3353.24 of the Revised Code. The commission shall not be responsible for the content of courses offered through the clearinghouse; however, all such courses shall be delivered only in accordance with technical specifications approved by the commission. 24916  
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(B) To offer a course through the clearinghouse, a school district shall apply to the commission in a form and manner prescribed by the commission. The application for each course shall describe the course of study in as much detail as required by the commission, the qualification and credentials of the teacher, the number of hours of instruction, the technology required to deliver and receive the course, the technical capacity of the school district to deliver the course, the times that the school district plans to deliver the course, and any other information required by the commission. The commission may require school districts to include in their applications information 24926  
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recommended by the state board of education under section 3353.30 24937  
of the Revised Code. 24938

(C) The commission shall review the technical specifications 24939  
of each application submitted under division (B) of this section 24940  
and shall approve a course offered if the commission determines 24941  
that the school district can satisfactorily deliver the course 24942  
through the technology necessary for that delivery. In reviewing 24943  
applications, the commission may consult with the department of 24944  
education; however, the responsibility to either approve or not 24945  
approve a course for the clearinghouse belongs to the commission. 24946  
The commission may request additional information from a school 24947  
district that submits an application under division (B) of this 24948  
section, if the commission determines that such information is 24949  
necessary. The commission may negotiate changes in the proposal to 24950  
offer a course, if the commission determines that changes are 24951  
necessary in order to approve the course. 24952

(D) The commission shall catalog each course approved for the 24953  
clearinghouse, through a print or electronic medium, displaying 24954  
the following: 24955

(1) Information necessary for a student and the student's 24956  
parent, guardian, or custodian and the student's school district 24957  
or community school to decide whether to enroll in the course; 24958

(2) Instructions for enrolling in that course, including 24959  
deadlines for enrollment. 24960

**Sec. 3353.22.** (A) A student who is enrolled in a school 24961  
operated by a school district or in a community school may enroll 24962  
in a course included in the clearinghouse only if both of the 24963  
following conditions are satisfied: 24964

(1) The student's enrollment in the course is approved by the 24965  
student's school district or the student's community school. 24966

(2) The student's school district or the student's community school agrees to accept for credit the grade assigned by the district that is delivering the course. 24967  
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(B) For each student enrolling in a course, the student's school district or the student's community school shall transmit to the eTech Ohio commission only the student's data verification code and not the student's name. The commission shall transmit that student's code to the school district delivering the course. 24970  
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The district delivering the course may request from the student's school district or the student's community school the student's name and other information from the student's school record. The student's school district or the student's community school shall provide the requested information only in accordance with section 3319.321 of the Revised Code. 24975  
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(C) The student's school district or the student's community school shall determine the manner in which and facilities at which the student shall participate in the course consistent with specifications for technology and connectivity adopted by the commission. 24981  
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(D) A student may withdraw from a course prior to the end of the course only by a date and in a manner prescribed by the student's school district or community school. 24986  
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(E) A student who is enrolled in a school operated by a school district or in a community school and who takes a course included in the clearinghouse shall be counted in the formula ADM of a school district under section 3317.03 of the Revised Code as if the student were taking the course from the student's school district or the student's community school. 24989  
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**Sec. 3353.23.** (A) The eTech Ohio commission shall keep a record of each student enrolled in each course included in the 24995  
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<u>clearinghouse using the student's data verification code.</u>	24997
<u>(B) The commission shall report to the department of</u>	24998
<u>education the data verification code for each student enrolled in</u>	24999
<u>a course, the name of the school district delivering the course,</u>	25000
<u>the name of the student's school district or the name of the</u>	25001
<u>student's community school, the fee for the course, and the</u>	25002
<u>beginning and ending date of the course.</u>	25003
<u>Sec. 3353.24. (A) Unless the eTech Ohio commission sets a</u>	25004
<u>different fee amount pursuant to division (B) of this section, the</u>	25005
<u>fee for each course that is the equivalent of one-half unit of</u>	25006
<u>instruction offered through the clearinghouse shall be one hundred</u>	25007
<u>seventy-five dollars per student. The commission shall set the fee</u>	25008
<u>for a course that is either less than or greater than one-half</u>	25009
<u>unit of instruction based on the proportional amount the course is</u>	25010
<u>either less than or greater than one-half unit of instruction.</u>	25011
<u>(B) The commission, by rule adopted in accordance with</u>	25012
<u>Chapter 119. of the Revised Code, may set a fee for courses</u>	25013
<u>offered through the clearinghouse at a rate other than the one</u>	25014
<u>specified in division (A) of this section.</u>	25015
<u>(C) The commission shall proportionally reduce the fee for</u>	25016
<u>any student who withdraws from a course prior to the end of the</u>	25017
<u>course pursuant to division (D) of section 3353.22 of the Revised</u>	25018
<u>Code.</u>	25019
<u>Sec. 3353.25. For each student enrolled in a course included</u>	25020
<u>in the clearinghouse, in accordance with information reported</u>	25021
<u>under division (B) of section 3353.23 of the Revised Code and not</u>	25022
<u>later than the last day of that course, the department of</u>	25023
<u>education shall deduct the amount of the fee for that course from</u>	25024
<u>the student's school district or the student's community school,</u>	25025
<u>under division (P) of section 3317.023 or section 3314.086 or</u>	25026

3317.161 of the Revised Code, and shall pay that amount to the 25027  
school district delivering the course. 25028

Sec. 3353.26. The grade for a student who enrolls in a course 25029  
included in the clearinghouse shall be assigned by the school 25030  
district that delivers the course and shall be transmitted by that 25031  
district to the student's school district or the student's 25032  
community school. 25033

Sec. 3353.27. The eTech Ohio commission may determine the 25034  
manner in which a course included in the clearinghouse may be 25035  
offered as a dual enrollment program as defined in section 25036  
3313.6013 of the Revised Code, may be offered to students who are 25037  
enrolled in nonpublic schools or are instructed at home pursuant 25038  
to section 3321.04 of the Revised Code, or may be offered at times 25039  
outside the normal school day or school week, including any 25040  
necessary additional fees and methods of payment for a course so 25041  
offered. 25042

Sec. 3353.28. The eTech Ohio commission shall adopt rules in 25043  
accordance with Chapter 119. of the Revised Code prescribing 25044  
procedures for the implementation of sections 3353.20 to 3353.27 25045  
of the Revised Code. 25046

Sec. 3353.29. Nothing in sections 3353.20 to 3353.28 of the 25047  
Revised Code, or in rules implementing those sections, shall 25048  
prohibit a school district from offering an interactive distance 25049  
learning course or other distance learning course using a 25050  
computer-based method through any means other than the 25051  
clearinghouse established and maintained under those sections. 25052

Sec. 3353.30. Not later than six months after the effective 25053  
date of this section, the state board of education shall adopt a 25054

resolution recommending to the eTech Ohio commission the types of 25055  
information about a distance learning course that the commission 25056  
might require school districts to submit with their applications 25057  
to include the course in the clearinghouse. 25058

**Sec. 3357.01.** As used in sections 3357.01 to 3357.19, 25059  
inclusive, of the Revised Code: 25060

(A) "Technical college" means an institution of education 25061  
beyond the high school, including an institution of higher 25062  
education, organized for the principal purpose of providing for 25063  
the residents of the technical college district, wherein such 25064  
college is situated, any one or more of the instructional programs 25065  
defined in this section as "~~technical college~~ technical college," 25066  
or "adult-education technical programs," normally not exceeding 25067  
two years duration and not leading to a baccalaureate degree. 25068

(B) "Technical college district" means a political 25069  
subdivision of the state and a body corporate with all the powers 25070  
of a corporation, comprised of the territory of a city school 25071  
district or a county, or two or more contiguous school districts 25072  
or counties, which meets the standards prescribed by the Ohio 25073  
board of regents pursuant to section 3357.02 of the Revised Code, 25074  
and which is organized for the purpose of establishing, owning, 25075  
and operating one or more technical colleges within the territory 25076  
of such district. 25077

(C) "Contiguous school districts or counties" means school 25078  
districts or counties so located that each such school district or 25079  
county shares at least one boundary or a portion thereof in common 25080  
with at least one other such school district or county in the 25081  
group of school districts or counties referred to as being 25082  
"contiguous." 25083

(D) "Technical college program" means a post high school 25084  
curricular program provided within a technical college, planned 25085

and intended to qualify students, after satisfactory completion of 25086  
such a program normally two years in duration, to pursue careers 25087  
in which they provide immediate technical assistance to 25088  
professional or managerial persons generally required to hold 25089  
baccalaureate or higher academic degrees in technical or 25090  
professional fields. The technical and professional fields 25091  
referred to in this section include, but are not limited to, 25092  
engineering and physical, medical, or other sciences. 25093

(E) "Adult-education technical program" means the 25094  
dissemination of post high school technical education service and 25095  
knowledge, for the occupational, or general educational benefit of 25096  
adult persons. 25097

(F) "Charter amendment" means a change in the official plan 25098  
of a technical college for the purpose of acquiring additional 25099  
lands or structures, disposing of or transferring lands or 25100  
structures, erecting structures, creating or abolishing technical 25101  
college or adult education technical curricular programs. 25102

(G) "Baccalaureate-oriented program" means a curricular 25103  
program of not more than two years' duration that is planned and 25104  
intended to enable students to gain academic credit for courses 25105  
comparable to first- and second-year courses offered by accredited 25106  
colleges and universities. The purpose of baccalaureate-oriented 25107  
coursework in technical colleges is to enable students to transfer 25108  
to colleges and universities and earn baccalaureate degrees or to 25109  
enable students to terminate academic study after two years with a 25110  
proportionate recognition of academic achievement through receipt 25111  
of an associate degree. 25112

Sec. 3357.13. As used in this section, "state institution of 25113  
higher education" has the same meaning as in section 3345.011 of 25114  
the Revised Code. 25115

A technical college may offer baccalaureate-oriented programs 25116

regardless of its co-location with another state institution of 25117  
higher education. 25118

**Sec. 3365.01.** As used in this chapter: 25119

(A) "College" means any state-assisted college or university 25120  
described in section 3333.041 of the Revised Code, any nonprofit 25121  
institution holding a certificate of authorization pursuant to 25122  
Chapter 1713. of the Revised Code, any private institution exempt 25123  
from regulation under Chapter 3332. of the Revised Code as 25124  
prescribed in section 3333.046 of the Revised Code, and any 25125  
institution holding a certificate of registration from the state 25126  
board of career colleges and schools and program authorization for 25127  
an associate or bachelor's degree program issued under section 25128  
3332.05 of the Revised Code. 25129

(B) "School district," except as specified in division (G) of 25130  
this section, means any school district to which a student is 25131  
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 25132  
the Revised Code and does not include a joint vocational or 25133  
cooperative education school district. 25134

(C) "Parent" has the same meaning as in section 3313.64 of 25135  
the Revised Code. 25136

(D) "Participant" means a student enrolled in a college under 25137  
the post-secondary enrollment options program established by this 25138  
chapter. 25139

(E) "Secondary grade" means the ninth through twelfth grades. 25140

(F) "School foundation payments" means the amount required to 25141  
be paid to a school district for a fiscal year under Chapter 3317. 25142  
of the Revised Code. 25143

(G) "Tuition base" means, with respect to a participant's 25144  
school district, the ~~greater of the following:~~ 25145

~~(1) The fiscal year 2005 formula amount defined in section~~ 25146

~~3317.02 of the Revised Code multiplied by the district's fiscal year 2005 cost of doing business factor defined in that section;~~ 25147  
25148

~~(2) The sum of (the current formula amount times the current cost of doing business factor defined in section 3317.02 of the Revised Code)~~ plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code. 25149  
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The participant's "school district" in the case of a participant enrolled in a community school shall be the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 25154  
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(H) "Educational program" means enrollment in one or more school districts, in a nonpublic school, or in a college under division (B) of section 3365.04 of the Revised Code. 25158  
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(I) "Nonpublic school" means a chartered or nonchartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code. 25161  
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(J) "School year" means the year beginning on the first day of July and ending on the thirtieth day of June. 25165  
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(K) "Community school" means any school established pursuant to Chapter 3314. of the Revised Code that includes secondary grades. 25167  
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(L) "Community school payments" means payments made by the department of education to a community school pursuant to division (D) of section 3314.08 of the Revised Code. 25170  
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**Sec. 3375.05.** The board of trustees of any public library receiving money from a county's ~~library and local government support libraries~~ fund that desires to render public library service by means of branches, library stations, or traveling 25173  
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library service to the inhabitants of any school district, other 25177  
than a school district situated within the territorial boundaries 25178  
of the subdivision or district over which said board has 25179  
jurisdiction of free public library service, may make application 25180  
to the state library board, upon forms provided by said board, for 25181  
the establishment of such service. Said application shall set 25182  
forth the total number of people being served by said library on 25183  
the date of said application; an inventory of the books owned by 25184  
said library; the number of branches, library stations, and 25185  
traveling library service maintained by said library on the date 25186  
of said application; the number and classification of the 25187  
employees of said library and such other information as the state 25188  
library board deems pertinent. Such application shall be 25189  
accompanied by a financial statement of the library making the 25190  
application covering the two fiscal years next preceding the date 25191  
of said application. Upon receipt of said application by the state 25192  
library board, the state librarian, or an employee of the state 25193  
library board designated by such librarian, shall visit the 25194  
library making the application for the purpose of determining 25195  
whether or not the establishment of branches, library stations, or 25196  
traveling library service as requested in said application will 25197  
promote better library service in the district covered by said 25198  
application. Upon the completion of such inspection, the 25199  
librarian, or the person designated by the librarian to make such 25200  
inspection, shall prepare a written report setting forth ~~his~~ the 25201  
librarian's or designee's recommendations pertaining to the 25202  
establishment of the branches, stations, or traveling library 25203  
service as set forth in the application. Such report shall be 25204  
submitted to the state library board within ninety days after the 25205  
receipt of such application by the state library board. Within 25206  
thirty days after such report has been filed with the state 25207  
library board, said board shall either approve or disapprove, in 25208  
whole or in part, the establishment of branches, library stations, 25209

or traveling library service as requested in said application. The 25210  
decision of the state library board shall be final. Within ten 25211  
days after final action has been taken by the state library board, 25212  
upon such application, the librarian shall notify in writing the 25213  
board of trustees of the public library making such application of 25214  
the decision of the state library board. 25215

The state library board may withdraw its approval of library 25216  
service rendered by any library to the inhabitants of a school 25217  
district other than the school district in which the main library 25218  
of such library is located. At least thirty days before the 25219  
approval of such service may be withdrawn, the state library board 25220  
shall give written notice to the board of trustees of the library 25221  
rendering the service and the board of education of the school 25222  
district to which such service is being rendered. Such notice 25223  
shall set forth the reasons for the withdrawal of the approval of 25224  
such service. If the board of trustees of the library rendering 25225  
such service, or the board of education of a school district to 25226  
which such service is being rendered, objects to the withdrawal of 25227  
such approval it may, within twenty days of the receipt of such 25228  
notice, request, in writing, the state library board to hold a 25229  
hearing for the purpose of hearing protests to the withdrawal of 25230  
such approval. Upon the receipt of such request, the state library 25231  
board shall set the time and place of such hearing which shall be 25232  
held within the territorial boundaries of the school district 25233  
being served by the branch, station, or traveling library service 25234  
whose continued operation is in question. Such hearing shall be 25235  
held not less than thirty days after the receipt by the state 25236  
library board of the request for such hearing. The state library 25237  
board shall take no action on the withdrawal of approval of such 25238  
service until after the holding of such hearing. The decision of 25239  
the state library board shall be final. 25240

**Sec. 3375.121.** (A) In any municipal corporation, not located 25241

in a county library district, which has a population of not less 25242  
than twenty-five thousand, and within which there is not located a 25243  
main library of a township, municipal, school district, 25244  
association, or county free public library, a library district may 25245  
be created by a resolution adopted by the legislative authority of 25246  
that municipal corporation. No such resolution shall be adopted 25247  
after one year from June 20, 1977. Upon the adoption of such a 25248  
resolution, any branches of an existing library that are located 25249  
in that municipal corporation shall become the property of the 25250  
municipal library district created. 25251

The municipal corporation and the board of trustees of the 25252  
public library maintaining any existing branches in that municipal 25253  
corporation shall forthwith take appropriate action transferring 25254  
all title and interest in all real and personal property located 25255  
in that municipal corporation in the name of the library district 25256  
maintaining those branches in that municipal corporation to the 25257  
municipal corporation adopting the appropriate resolution. Upon 25258  
transfer of all title and interest in that property, the branches 25259  
shall become a part of, and be operated by, the board of library 25260  
trustees appointed by the mayor. 25261

(B) In any municipal corporation that has a population of 25262  
less than twenty-five thousand and that has not less than one 25263  
hundred thousand dollars available from a bequest for the 25264  
establishment of a municipal library, the legislative authority of 25265  
that municipal corporation may adopt, within one year after June 25266  
20, 1977, a resolution creating a library district. Upon the 25267  
establishment of any such library district, the board of trustees 25268  
of any library operating a branch library in that municipal 25269  
corporation shall not be required to transfer any property to the 25270  
newly established library. 25271

(C) The board of library trustees of any library district 25272  
created under this section shall be composed of six members. Those 25273

trustees shall be appointed by the mayor, to serve without 25274  
compensation, for a term of four years. In the first instance, 25275  
three of those trustees shall be appointed for a term of two 25276  
years, and three of them shall be appointed for a term of four 25277  
years. Vacancies shall be filled by like appointment for the 25278  
unexpired term. A library district created under this section 25279  
shall be governed in accordance with and exercise the authority 25280  
provided for in sections 3375.32 to 3375.41 of the Revised Code. 25281

Notwithstanding any contrary provision of section 3.24 of the 25282  
Revised Code, the president of a board of township trustees may 25283  
administer the oath of office to a person or persons representing 25284  
the township on the board of library trustees of any library 25285  
district created under this section, even if the geographical 25286  
limits of the library district do not fall within the geographical 25287  
limits of the township. 25288

(D) Any library district created under this section is 25289  
eligible to participate in the proceeds of the county ~~library and~~ 25290  
local ~~government support~~ libraries fund in accordance with section 25291  
5705.28 of the Revised Code. 25292

(E) A municipal corporation may establish and operate a free 25293  
public library regardless of whether the municipal corporation is 25294  
located in a county library district or school library district, 25295  
if all of the following conditions are met: 25296

(1) The facility in which the library is principally located 25297  
is transferred to the municipal corporation from the county 25298  
library district or school library district in which it is located 25299  
prior to January 1, 1996. 25300

(2) The population of the municipal corporation is less than 25301  
five hundred when the library is transferred from the county 25302  
library district or school library district to the municipal 25303  
corporation. 25304

(3) The municipal corporation does not establish a municipal library district under this section.	25305 25306
(4) The library does not receive any proceeds from the county <del>library and local government support libraries</del> fund under section 5747.48 of the Revised Code.	25307 25308 25309
<b>Sec. 3375.40.</b> Each board of library trustees appointed pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, or 3375.30 of the Revised Code may do the following:	25310 25311 25312
(A) Hold title to and have the custody of all real and personal property of the free public library under its jurisdiction;	25313 25314 25315
(B) Expend for library purposes, and in the exercise of the power enumerated in this section, all moneys, whether derived from the county <del>library and local government support libraries</del> fund or otherwise, credited to the free public library under its jurisdiction and generally do all things it considers necessary for the establishment, maintenance, and improvement of the free public library under its jurisdiction;	25316 25317 25318 25319 25320 25321 25322
(C) Purchase, lease, construct, remodel, renovate, or otherwise improve, equip, and furnish buildings or parts of buildings and other real property, and purchase, lease, or otherwise acquire motor vehicles and other personal property, necessary for the proper maintenance and operation of the free public library under its jurisdiction, and pay their costs in installments or otherwise. Financing of these costs may be provided through the issuance of notes, through an installment sale, or through a lease-purchase agreement. Any such notes shall be issued pursuant to section 3375.404 of the Revised Code.	25323 25324 25325 25326 25327 25328 25329 25330 25331 25332
(D) Purchase, lease, lease with an option to purchase, or erect buildings or parts of buildings to be used as main	25333 25334

libraries, branch libraries, or library stations pursuant to 25335  
section 3375.41 of the Revised Code; 25336

(E) Establish and maintain a main library, branches, library 25337  
stations, and traveling library service within the territorial 25338  
boundaries of the political subdivision or district over which it 25339  
has jurisdiction of free public library service; 25340

(F) Except as otherwise provided in this division, establish 25341  
and maintain branches, library stations, and traveling library 25342  
service in any school district, outside the territorial boundaries 25343  
of the political subdivision or district over which it has 25344  
jurisdiction of free public library service, upon application to 25345  
and approval of the state library board, pursuant to section 25346  
3375.05 of the Revised Code. The board of library trustees of any 25347  
free public library maintaining branches, stations, or traveling 25348  
library service, outside the territorial boundaries of the 25349  
political subdivision or district over which it has jurisdiction 25350  
of free public library service, on September 4, 1947, may continue 25351  
to maintain and operate those branches, those stations, and that 25352  
traveling library service without the approval of the state 25353  
library board. 25354

(G) Appoint and fix the compensation of all of the employees 25355  
of the free public library under its jurisdiction, pay the 25356  
reasonable cost of tuition for any of its employees who enroll in 25357  
a course of study the board considers essential to the duties of 25358  
the employee or to the improvement of the employee's performance, 25359  
and reimburse applicants for employment for any reasonable 25360  
expenses they incur by appearing for a personal interview; 25361

(H) Make and publish rules for the proper operation and 25362  
management of the free public library and facilities under its 25363  
jurisdiction, including rules pertaining to the provision of 25364  
library services to individuals, corporations, or institutions 25365  
that are not inhabitants of the county; 25366

(I) Assess uniform fees for the provision of services to patrons of the library, but no fee shall be assessed for the circulation of printed materials held by the library except for the assessment of fines for materials not returned in accordance with the board's rules;

(J) Establish and maintain a museum in connection with and as an adjunct to the free public library under its jurisdiction;

(K) By the adoption of a resolution, accept any bequest, gift, or endowment upon the conditions connected with the bequest, gift, or endowment. No such bequest, gift, or endowment shall be accepted by the board if its conditions remove any portion of the free public library under the board's jurisdiction from the control of the board or if the conditions, in any manner, limit the free use of the library or any part of it by the residents of the counties in which the library is located.

(L) At the end of any fiscal year, by a two-thirds vote of its full membership, set aside any unencumbered surplus remaining in the general fund of the free public library under its jurisdiction for any purpose, including creating or increasing a special building and repair fund, or for operating the library or acquiring equipment and supplies;

(M) Procure and pay all or part of the cost of group term life, hospitalization, surgical, major medical, disability benefit, dental care, eye care, hearing aids, or prescription drug insurance or coverage, or a combination of any of those types of insurance or coverage, whether issued by an insurance company or a health insuring corporation duly licensed by the state, covering its employees, and, in the case of group term life, hospitalization, surgical, major medical, dental care, eye care, hearing aids, or prescription drug insurance or coverage, also covering the dependents and spouses of its employees, and, in the case of disability benefits, also covering the spouses of its

employees. 25399

(N) Pay reasonable dues and expenses for the free public 25400  
library and library trustees in library associations. 25401

Any instrument by which real property is acquired pursuant to 25402  
this section shall identify the agency of the state that has the 25403  
use and benefit of the real property as specified in section 25404  
5301.012 of the Revised Code. 25405

**Sec. 3375.85.** An interstate library district lying partly 25406  
within this state may claim and be entitled to receive state aid, 25407  
other than aid from the ~~library and local government support~~ 25408  
libraries fund, in support of any of its functions to the same 25409  
extent and in the same manner as such functions are eligible for 25410  
~~support~~ support when carried on by entities wholly within this 25411  
state. For the purposes of computing and apportioning such state 25412  
aid to an interstate library district, this state will consider 25413  
that portion of the area which lies within this state as an 25414  
independent entity for the performance of the aided function or 25415  
functions and compute and apportion the aid accordingly. Any 25416  
library association that was organized and operated prior to 25417  
January 1, 1968, and which pursuant to the authority granted in 25418  
section 3375.83 of the Revised Code, has become part of an 25419  
interstate library district shall be considered a library 25420  
association under section 5705.28 of the Revised Code and entitled 25421  
to participate in the county ~~library and local government support~~ 25422  
libraries fund and other public funds. Subject to any applicable 25423  
laws of this state, such a district also may apply for and be 25424  
entitled to receive any federal aid for which it may be eligible. 25425

**Sec. 3381.04.** (A) In lieu of the procedure set forth in 25426  
section 3381.03 of the Revised Code, any county with a population 25427  
of five hundred thousand or more, at any time before the creation 25428

of a regional arts and cultural district under that section, may 25429  
create a regional arts and cultural district by adoption of a 25430  
resolution by the board of county commissioners of that county. 25431  
The resolution shall state all of the following: 25432

(1) The purposes for the creation of the district; 25433

(2) That the territory of the district shall be coextensive 25434  
with the territory of the county; 25435

(3) The official name by which the district shall be known; 25436

(4) The location of the principal office of the district or 25437  
the manner in which the location shall be selected. 25438

(B) The district provided for in the resolution shall be 25439  
created upon the adoption of the resolution by the board of county 25440  
commissioners of that county. Upon the adoption of the resolution, 25441  
the county and the municipal corporations and townships contained 25442  
in the county shall not thereafter be a part of any other regional 25443  
arts and cultural district. 25444

(C) The board of trustees of any regional arts and cultural 25445  
district formed in accordance with this section shall be comprised 25446  
of ~~three~~ five members appointed by the board of county 25447  
commissioners. 25448

**Sec. 3501.17.** (A) The expenses of the board of elections 25449  
shall be paid from the county treasury, in pursuance of 25450  
appropriations by the board of county commissioners, in the same 25451  
manner as other county expenses are paid. If the board of county 25452  
commissioners fails to appropriate an amount sufficient to provide 25453  
for the necessary and proper expenses of the board of elections 25454  
pertaining to the conduct of elections, the board of elections may 25455  
apply to the court of common pleas within the county, which shall 25456  
fix the amount necessary to be appropriated and the amount shall 25457  
be appropriated. Payments shall be made upon vouchers of the board 25458

of elections certified to by its chairperson or acting chairperson 25459  
and the director or deputy director, upon warrants of the county 25460  
auditor. 25461

The board of elections shall not incur any obligation 25462  
involving the expenditure of money unless there are moneys 25463  
sufficient in the funds appropriated therefor to meet the 25464  
obligation. If the board of elections requests a transfer of funds 25465  
from one of its appropriation items to another, the board of 25466  
county commissioners shall adopt a resolution providing for the 25467  
transfer except as otherwise provided in section 5705.40 of the 25468  
Revised Code. The expenses of the board of elections shall be 25469  
apportioned among the county and the various subdivisions as 25470  
provided in this section, and the amount chargeable to each 25471  
subdivision shall be withheld by the auditor from the moneys 25472  
payable thereto at the time of the next tax settlement. At the 25473  
time of submitting budget estimates in each year, the board of 25474  
elections shall submit to the taxing authority of each 25475  
subdivision, upon the request of the subdivision, an estimate of 25476  
the amount to be withheld from the subdivision during the next 25477  
fiscal year. 25478

(B) Except as otherwise provided in division (F) of this 25479  
section, the ~~entire~~ compensation of the members of the board of 25480  
elections and of the director, deputy director, and ~~other~~ regular 25481  
employees in the board's offices, other than compensation for 25482  
overtime worked; the expenditures for the rental, furnishing, and 25483  
equipping of the office of the board and for the necessary office 25484  
supplies for the use of the board; the expenditures for the 25485  
acquisition, repair, care, and custody of the polling places, 25486  
booths, guardrails, and other equipment for polling places; the 25487  
cost of ~~pollbooks~~, tally sheets, maps, flags, ballot boxes, and 25488  
all other permanent records and equipment; the cost of all 25489  
elections held in and for the state and county; and all other 25490

expenses of the board which are not chargeable to a political 25491  
subdivision in accordance with this section shall be paid in the 25492  
same manner as other county expenses are paid. 25493

(C) The compensation of judges ~~and~~ of elections, clerks of 25494  
elections, and intermittent employees in the board's offices; the 25495  
cost of renting, moving, heating, and lighting polling places and 25496  
of placing and removing ballot boxes and other fixtures and 25497  
equipment thereof, including voting machines, marking devices, and 25498  
automatic tabulating equipment; the cost of printing and 25499  
delivering ballots, cards of instructions, registration lists 25500  
required under section 3503.23 of the Revised Code, and other 25501  
election supplies, including the supplies required to comply with 25502  
division (H) of section 3506.01 of the Revised Code; the cost of 25503  
contractors engaged by the board to prepare, program, test, and 25504  
operate voting machines, marking devices, and automatic tabulating 25505  
equipment; and all other expenses of conducting primaries and 25506  
elections in the odd-numbered years shall be charged to the 25507  
subdivisions in and for which such primaries or elections are 25508  
held. The charge for each primary or general election in 25509  
odd-numbered years for each subdivision shall be determined in the 25510  
following manner: first, the total cost of all chargeable items 25511  
used in conducting such elections shall be ascertained; second, 25512  
the total charge shall be divided by the number of precincts 25513  
participating in such election, in order to fix the cost per 25514  
precinct; third, the cost per precinct shall be prorated by the 25515  
board of elections to the subdivisions conducting elections for 25516  
the nomination or election of offices in such precinct; fourth, 25517  
the total cost for each subdivision shall be determined by adding 25518  
the charges prorated to it in each precinct within the 25519  
subdivision. 25520

(D) The entire cost of special elections held on a day other 25521  
than the day of a primary or general election, both in 25522

odd-numbered or in even-numbered years, shall be charged to the 25523  
subdivision. Where a special election is held on the same day as a 25524  
primary or general election in an even-numbered year, the 25525  
subdivision submitting the special election shall be charged only 25526  
for the cost of ballots and advertising. Where a special election 25527  
is held on the same day as a primary or general election in an 25528  
odd-numbered year, the subdivision submitting the special election 25529  
shall be charged for the cost of ballots and advertising for such 25530  
special election, in addition to the charges prorated to such 25531  
subdivision for the election or nomination of candidates in each 25532  
precinct within the subdivision, as set forth in the preceding 25533  
paragraph. 25534

(E) Where a special election is held on the day specified by 25535  
division (E) of section 3501.01 of the Revised Code for the 25536  
holding of a primary election, for the purpose of submitting to 25537  
the voters of the state constitutional amendments proposed by the 25538  
general assembly, and a subdivision conducts a special election on 25539  
the same day, the entire cost of the special election shall be 25540  
divided proportionally between the state and the subdivision based 25541  
upon a ratio determined by the number of issues placed on the 25542  
ballot by each, except as otherwise provided in division (G) of 25543  
this section. Such proportional division of cost shall be made 25544  
only to the extent funds are available for such purpose from 25545  
amounts appropriated by the general assembly to the secretary of 25546  
state. If a primary election is also being conducted in the 25547  
subdivision, the costs shall be apportioned as otherwise provided 25548  
in this section. 25549

(F) When a precinct is open during a general, primary, or 25550  
special election solely for the purpose of submitting to the 25551  
voters a statewide ballot issue, the state shall bear the entire 25552  
cost of the election in that precinct and shall reimburse the 25553  
county for all expenses incurred in opening the precinct. 25554

(G) The state shall bear the entire cost of advertising in newspapers statewide ballot issues, explanations of those issues, and arguments for or against those issues, as required by Section 1g of Article II and Section 1 of Article XVI, Ohio Constitution, and any other section of law and shall reimburse the counties for all expenses they incur for such advertising.

(H) The cost of renting, heating, and lighting registration places; the cost of the necessary books, forms, and supplies for the conduct of registration; and the cost of printing and posting precinct registration lists shall be charged to the subdivision in which such registration is held.

(I) As used in this section, ~~"statewide:~~

(1) "Political subdivision" and "subdivision" mean any board of county commissioners, board of township trustees, legislative authority of a municipal corporation, board of education, or any other board, commission, district, or authority that is empowered to levy taxes or permitted to receive the proceeds of a tax levy, regardless of whether the entity receives tax settlement moneys as described in division (A) of this section;

(2) "Statewide ballot issue" means any ballot issue, whether proposed by the general assembly or by initiative or referendum, that is submitted to the voters throughout the state.

**Sec. 3701.135.** (A) The autism diagnosis education pilot program is hereby established in the department of health. The program shall have the following goals:

(1) To educate health care professionals, teachers and other educational personnel, child care providers, parents, early intervention and developmental disabilities providers, and other community-based services providers in this state regarding the diagnosis of autism spectrum disorders, including the range of

<u>symptoms that may indicate autism spectrum disorders and screening</u>	25585
<u>tools;</u>	25586
<u>(2) To promote appropriate standards for the diagnosis of</u>	25587
<u>autism spectrum disorders in children, including screening tools</u>	25588
<u>and treatment planning for children diagnosed with autism spectrum</u>	25589
<u>disorders;</u>	25590
<u>(3) To encourage physicians and other health care</u>	25591
<u>professionals with expertise in screening, diagnosing, and</u>	25592
<u>treating autism spectrum disorders to share that information with</u>	25593
<u>other health care professionals in this state;</u>	25594
<u>(4) To encourage the regional coordination of services to</u>	25595
<u>facilitate the effective, timely treatment of children diagnosed</u>	25596
<u>with autism spectrum disorders.</u>	25597
<u>(B) The director of health shall contract with a public or</u>	25598
<u>private entity to conduct or administer the autism diagnosis</u>	25599
<u>education pilot program.</u>	25600
<b>Sec. 3701.74.</b> (A) As used in this section and section	25601
3701.741 of the Revised Code:	25602
(1) "Ambulatory care facility" means a facility that provides	25603
medical, diagnostic, or surgical treatment to patients who do not	25604
require hospitalization, including a dialysis center, ambulatory	25605
surgical facility, cardiac catheterization facility, diagnostic	25606
imaging center, extracorporeal shock wave lithotripsy center, home	25607
health agency, inpatient hospice, birthing center, radiation	25608
therapy center, emergency facility, and an urgent care center.	25609
"Ambulatory care facility" does not include the private office of	25610
a physician or dentist, whether the office is for an individual or	25611
group practice.	25612
(2) "Chiropractor" means an individual licensed under Chapter	25613
4734. of the Revised Code to practice chiropractic.	25614

(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	25615 25616 25617
(4) "Health care practitioner" means all of the following:	25618
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	25619 25620
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	25621 25622
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	25623 25624
(d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	25625 25626 25627 25628
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	25629 25630
(f) A physician;	25631
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	25632 25633
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	25634 25635
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	25636 25637
(j) A chiropractor;	25638
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	25639 25640
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	25641 25642
(m) An occupational therapist or occupational therapy	25643

assistant licensed under Chapter 4755. of the Revised Code;	25644
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	25645 25646
(o) A professional clinical counselor, professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	25647 25648 25649 25650
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	25651 25652
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	25653 25654
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	25655 25656 25657
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	25658 25659 25660
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	25661 25662
(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; an adult care facility, as defined in section 3722.01 of the Revised Code; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.	25663 25664 25665 25666 25667 25668 25669 25670 25671
(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical	25672 25673

condition and that is generated and maintained by a health care 25674  
provider in the process of the patient's health care treatment. 25675

(9) "Medical records company" means a person who stores, 25676  
locates, or copies medical records for a health care provider, or 25677  
is compensated for doing so by a health care provider, and charges 25678  
a fee for providing medical records to a patient or patient's 25679  
representative. 25680

(10) "Patient" means either of the following: 25681

(a) An individual who received health care treatment from a 25682  
health care provider; 25683

(b) A guardian, as defined in section 1337.11 of the Revised 25684  
Code, of an individual described in division (A)(10)(a) of this 25685  
section. 25686

(11) "Patient's personal representative" means a minor 25687  
patient's parent or other person acting in loco parentis, a 25688  
court-appointed guardian, or a person with durable power of 25689  
attorney for health care for a patient, the executor or 25690  
administrator of the patient's estate, or the person responsible 25691  
for the patient's estate if it is not to be probated. "Patient's 25692  
personal representative" does not include an insurer authorized 25693  
under Title XXXIX of the Revised Code to do the business of 25694  
sickness and accident insurance in this state, a health insuring 25695  
corporation holding a certificate of authority under Chapter 1751. 25696  
of the Revised Code, or any other person not named in this 25697  
division. 25698

(12) "Pharmacy" has the same meaning as in section 4729.01 of 25699  
the Revised Code. 25700

(13) "Physician" means a person authorized under Chapter 25701  
4731. of the Revised Code to practice medicine and surgery, 25702  
osteopathic medicine and surgery, or podiatric medicine and 25703  
surgery. 25704

(14) "Authorized person" means a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical record.

(B) A patient, a patient's personal representative or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than ~~sixty days~~ one year before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, physician or chiropractor, or held for the requestor at the office of the health care provider. Within a reasonable time after receiving a request that meets the requirements of this division and includes sufficient information to identify the record requested, a health care provider that has the patient's medical records shall permit the patient to examine the record during regular business hours without charge or, on request, shall provide a copy of the record in accordance with section 3701.741 of the Revised Code, except that if a physician or chiropractor who has treated the patient determines for clearly stated treatment reasons that disclosure of the requested record is likely to have an adverse effect on the patient, the health care provider shall provide the record to a physician or chiropractor designated by the patient. The health care provider shall take reasonable steps to establish the identity of the person making the request to examine or obtain a copy of the patient's record.

(C) If a health care provider fails to furnish a medical record as required by division (B) of this section, the patient, personal representative, or authorized person who requested the record may bring a civil action to enforce the patient's right of access to the record.

(D)(1) This section does not apply to medical records whose

release is covered by section 173.20 or 3721.13 of the Revised Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records," or by 42 C.F.R. 483.10.

(2) Nothing in this section is intended to supersede the confidentiality provisions of sections 2305.24, 2305.25, 2305.251, and 2305.252 of the Revised Code.

**Sec. 3701.741.** (A) Through December 31, 2008, each health care provider and medical records company shall provide copies of medical records in accordance with this section.

(B) Except as provided in divisions (C) and (E) of this section, a health care provider or medical records company that receives a request for a copy of a patient's medical record shall charge not more than the amounts set forth in this section.

(1) If the request is made by the patient or the patient's personal representative, total costs for copies and all services related to those copies shall not exceed the sum of the following:

(a) With respect to data recorded on paper, the following amounts:

(i) Two dollars and fifty cents per page for the first ten pages;

(ii) Fifty-one cents per page for pages eleven through fifty;

(iii) Twenty cents per page for pages fifty-one and higher;

(b) With respect to data recorded other than on paper, one dollar and seventy cents per page;

(c) The actual cost of any related postage incurred by the health care provider or medical records company.

(2) If the request is made other than by the patient or the patient's personal representative, total costs for copies and all

services related to those copies shall not exceed the sum of the	25766
following:	25767
(a) An initial fee of fifteen dollars and thirty-five cents,	25768
which shall compensate for the records search;	25769
(b) With respect to data recorded on paper, the following	25770
amounts:	25771
(i) One dollar and two cents per page for the first ten	25772
pages;	25773
(ii) Fifty-one cents per page for pages eleven through fifty;	25774
(iii) Twenty cents per page for pages fifty-one and higher.	25775
(c) With respect to data recorded other than on paper, one	25776
dollar and seventy cents per page;	25777
(d) The actual cost of any related postage incurred by the	25778
health care provider or medical records company.	25779
(C)(1) A health care provider or medical records company	25780
shall provide one copy without charge to the following:	25781
(a) The bureau of workers' compensation, in accordance with	25782
Chapters 4121. and 4123. of the Revised Code and the rules adopted	25783
under those chapters;	25784
(b) The industrial commission, in accordance with Chapters	25785
4121. and 4123. of the Revised Code and the rules adopted under	25786
those chapters;	25787
(c) The department of job and family services <u>or a county</u>	25788
<u>department of job and family services</u> , in accordance with <del>Chapter</del>	25789
<u>Chapters</u> 5101. <u>and 5111.</u> of the Revised Code and the rules adopted	25790
under those chapters;	25791
(d) The attorney general, in accordance with sections 2743.51	25792
to 2743.72 of the Revised Code and any rules that may be adopted	25793
under those sections;	25794

(e) A patient or patient's personal representative if the 25795  
medical record is necessary to support a claim under Title II or 25796  
Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 25797  
U.S.C.A. 401 and 1381, as amended, and the request is accompanied 25798  
by documentation that a claim has been filed. 25799

(2) Nothing in division (C)(1) of this section requires a 25800  
health care provider or medical records company to provide a copy 25801  
without charge to any person or entity not listed in division 25802  
(C)(1) of this section. 25803

(D) Division (C) of this section shall not be construed to 25804  
supersede any rule of the bureau of workers' compensation, the 25805  
industrial commission, or the department of job and family 25806  
services. 25807

(E) A health care provider or medical records company may 25808  
enter into a contract with either of the following for the copying 25809  
of medical records at a fee other than as provided in division (B) 25810  
of this section: 25811

(1) A patient, a patient's personal representative, or an 25812  
authorized person; 25813

(2) An insurer authorized under Title XXXIX of the Revised 25814  
Code to do the business of sickness and accident insurance in this 25815  
state or health insuring corporations holding a certificate of 25816  
authority under Chapter 1751. of the Revised Code. 25817

(F) This section does not apply to medical records the 25818  
copying of which is covered by section 173.20 of the Revised Code 25819  
or by 42 C.F.R. 483.10. 25820

**Sec. 3701.83.** (A) There is hereby created in the state 25821  
treasury the general operations fund. Moneys in the fund shall be 25822  
used for the purposes specified in sections 3701.04, 3701.344, 25823  
3702.20, 3710.15, 3711.021, 3717.45, ~~3718.06~~, 3721.02, 3722.04, 25824

3729.07, 3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 25825  
3748.12, 3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 25826  
of the Revised Code. 25827

(B) The alcohol testing program fund is hereby created in the 25828  
state treasury. The director of health shall use the fund to 25829  
administer and enforce the alcohol testing and permit program 25830  
authorized by section 3701.143 of the Revised Code. 25831

The fund shall receive transfers from the liquor control fund 25832  
created under section 4301.12 of the Revised Code. All investment 25833  
earnings of the alcohol testing program fund shall be credited to 25834  
the fund. 25835

**Sec. 3702.52.** The director of health shall administer a state 25836  
certificate of need program in accordance with sections 3702.51 to 25837  
3702.62 of the Revised Code and rules adopted under those 25838  
sections. 25839

(A) The director shall issue rulings on whether a particular 25840  
proposed project is a reviewable activity. The director shall 25841  
issue a ruling not later than forty-five days after receiving a 25842  
request for a ruling accompanied by the information needed to make 25843  
the ruling. If the director does not issue a ruling in that time, 25844  
the project shall be considered to have been ruled not a 25845  
reviewable activity. 25846

(B) The director shall review applications for certificates 25847  
of need. Each application shall be submitted to the director on 25848  
forms prescribed by the director, shall include all information 25849  
required by rules adopted under division (B) of section 3702.57 of 25850  
the Revised Code, and shall be accompanied by the application fee 25851  
established in rules adopted under division (G) of that section. 25852

Application 25853

Application fees received by the director under this division 25854

shall be deposited into the state treasury to the credit of the 25855  
certificate of need fund, which is hereby created. The director 25856  
shall use the fund only to pay the costs of administering sections 25857  
3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised 25858  
Code and rules adopted under those sections. 25859

The director shall mail to the applicant a written notice 25860  
that the application meets the criteria for a complete application 25861  
specified in rules adopted under section 3702.57 of the Revised 25862  
Code, or a written request for additional information, not later 25863  
than ~~fifteen~~ thirty days after receiving an application or a 25864  
response to an earlier request for information. The director shall 25865  
not make more than two requests for additional information. 25866

The director may conduct a public informational hearing in 25867  
the course of reviewing any application for a certificate of need, 25868  
and shall conduct one if requested to do so by any affected person 25869  
not later than fifteen days after the director mails the notice 25870  
that the application is complete. The hearing shall be conducted 25871  
in the community in which the activities authorized by the 25872  
certificate of need would be carried out. Any affected person may 25873  
testify at the hearing. The director may, with the health service 25874  
agency's consent, designate a health service agency to conduct the 25875  
hearing. 25876

Except during a public hearing or as necessary to comply with 25877  
a subpoena issued under division (F) of this section, after a 25878  
notice of completeness has been received, no person shall 25879  
knowingly discuss in person or by telephone the merits of the 25880  
application with the director. If one or more persons request a 25881  
meeting in person or by telephone, the director shall make a 25882  
reasonable effort to invite interested parties to the meeting or 25883  
conference call. 25884

~~(C) Divisions (C)(1) to (7) of this section apply to 25885  
certificate of need applications for which the director had not 25886~~

~~issued a written decision prior to April 20, 1995, unless the~~ 25887  
~~director was required, under the version of this section in effect~~ 25888  
~~immediately prior to June 30, 1995, to grant a certificate of need~~ 25889  
~~prior to June 30, 1995, because of a lack of written objections~~ 25890  
~~from any affected person. Divisions (C)(1) to (7) of this section~~ 25891  
~~do not invalidate any certificate of need that the director was~~ 25892  
~~required to grant prior to June 30, 1995, under that circumstance.~~ 25893

~~(1) The All of the following apply to the process of granting~~ 25894  
~~or denying a certificate of need:~~ 25895

~~(1) If the project proposed in a certificate of need~~ 25896  
~~application meets all of the applicable certificate of need~~ 25897  
~~criteria for approval under sections 3702.51 to 3702.62 of the~~ 25898  
~~Revised Code and the rules adopted under those sections, the~~ 25899  
~~director shall grant a certificate of need for the entire project~~ 25900  
~~that is the subject of the application immediately after both of~~ 25901  
~~the following conditions are met:~~ 25902

~~(a) The board of trustees of the health service agency of the~~ 25903  
~~health service area in which the reviewable activity is proposed~~ 25904  
~~to be conducted recommends, prior to the deadline specified in~~ 25905  
~~division (C)(4) of this section or any extension of it under~~ 25906  
~~division (C)(5) of this section, that the certificate of need be~~ 25907  
~~granted;~~ 25908

~~(b) The director ~~receives no~~ does not receive any written~~ 25909  
~~objections to the application from any affected person by the~~ 25910  
~~later of May 20, 1995, or thirty days thirtieth day after the~~ 25911  
~~director mails the notice of completeness.~~ 25912

~~(2) In the case of certificate of need applications under~~ 25913  
~~comparative review, if the projects proposed in the applications~~ 25914  
~~meet all of the applicable certificate of need criteria for~~ 25915  
~~approval under sections 3702.51 to 3702.62 of the Revised Code and~~ 25916  
~~the rules adopted under those sections, the director shall grant~~ 25917

certificates of need for the entire projects that are the subject 25918  
of the applications immediately after both of the following 25919  
conditions are met: 25920

(a) The board of trustees of the health service agency of 25921  
each health service area in which the reviewable activities are 25922  
proposed to be conducted recommends, prior to the deadline 25923  
specified in division (C)(4) of this section or any extension of 25924  
it under division (C)(5) of this section, that certificates of 25925  
need be granted for each of the reviewable activities to be 25926  
conducted in its health service area; 25927

(b) The director ~~receives no~~ does not receive any written 25928  
objections to any of the applications from any affected person by 25929  
the ~~later of May 20, 1995, or thirty days~~ thirtieth day after the 25930  
director mails the last notice of completeness. 25931

The director's grant of a certificate of need under division 25932  
(C)(1) or (2) of this section does not affect, and sets no 25933  
precedent for, the director's decision to grant or deny other 25934  
applications for similar reviewable activities proposed to be 25935  
conducted in the same or different health service areas. 25936

(3) If the director receives written objections to an 25937  
application from any affected person by the ~~later of May 20, 1995,~~ 25938  
~~or thirty days~~ thirtieth day after mailing the notice of 25939  
completeness, regardless of the health service agency's 25940  
recommendation, the director shall notify the applicant and assign 25941  
a hearing examiner to conduct an adjudication hearing concerning 25942  
the application in accordance with Chapter 119. of the Revised 25943  
Code. In the case of applications under comparative review, if the 25944  
director receives written objections to any of the applications 25945  
from any affected person by the ~~later of May 20, 1995, or thirty~~ 25946  
~~days~~ thirtieth day after the director mails the last notice of 25947  
completeness, regardless of the health service agencies' 25948  
recommendation, the director shall notify all of the applicants 25949

and appoint a hearing examiner to conduct a consolidated 25950  
adjudication hearing concerning the applications in accordance 25951  
with Chapter 119. of the Revised Code. The hearing examiner shall 25952  
be employed by or under contract with the department of health. 25953

The adjudication hearings may be conducted in the health 25954  
service area in which the reviewable activity is proposed to be 25955  
conducted. Consolidated adjudication hearings for applications in 25956  
comparative review may be conducted in the geographic region in 25957  
which all of the reviewable activities will be conducted. The 25958  
applicant, the director, and the affected persons that filed 25959  
objections to the application shall be parties to the hearing. If 25960  
none of the affected persons that submitted written objections to 25961  
the application appears or prosecutes the hearing, the hearing 25962  
examiner shall dismiss the hearing and the director shall grant a 25963  
certificate of need for the entire project that is the subject of 25964  
the application if the proposed project meets all of the 25965  
applicable certificate of need criteria for approval under 25966  
sections 3702.51 to 3702.62 of the Revised Code and the rules 25967  
adopted under those sections. The affected persons bear the burden 25968  
of proving by a preponderance of evidence that the project is not 25969  
needed or that granting the certificate would not be in accordance 25970  
with sections 3702.51 to 3702.62 of the Revised Code or the rules 25971  
adopted under ~~section 3702.57 of the Revised Code~~ those sections. 25972

(4) Except as provided in divisions (C)(1) and (2) of this 25973  
section, the director shall grant or deny certificate of need 25974  
applications for which an adjudication hearing is not conducted 25975  
under division (C)(3) of this section not later than ~~ninety~~ sixty 25976  
days after mailing the notice of completeness or, in the case of 25977  
an application proposing addition of long-term care beds, not 25978  
later than ~~ninety~~ sixty days after such other time as is specified 25979  
in rules adopted under section 3702.57 of the Revised Code. The 25980  
director shall grant or deny certificate of need applications for 25981

which an adjudication hearing is conducted under division (C)(3) 25982  
of this section not later than thirty days after the expiration of 25983  
the time for filing objections to the report and recommendation of 25984  
the hearing examiner under section 119.09 of the Revised Code. The 25985  
director shall base decisions concerning applications for which an 25986  
adjudication hearing is conducted under division (C)(3) of this 25987  
section on the report and recommendations of the hearing examiner. 25988

(5) Except as otherwise provided in division (C)(1), (2), or 25989  
(6) of this section, the director or the applicant may extend the 25990  
deadline prescribed in division (C)(4) of this section once, for 25991  
no longer than thirty days, by written notice before the end of 25992  
the original thirty-day period. An extension by the director under 25993  
division (C)(5) of this section shall apply to all applications 25994  
that are in comparative review. 25995

(6) No applicant in a comparative review may extend the 25996  
deadline specified in division (C)(4) of this section. 25997

(7) Except as provided in divisions (C)(1) and (2) of this 25998  
section, the director may grant a certificate of need for all or 25999  
part of the project that is the subject of an application. If the 26000  
director does not grant or deny the certificate by the applicable 26001  
deadline specified in division (C)(4) of this section or any 26002  
extension of it under division (C)(5) of this section, the 26003  
certificate shall be considered to have been granted. ~~The~~ 26004  
~~director, in reviewing certificate of need applications for solid~~ 26005  
~~organ transplantation services, may ask for assistance from a~~ 26006  
~~statewide transplantation advisory group consisting of qualified~~ 26007  
~~professionals and administrators. Such consultation shall not~~ 26008  
~~cause the review period for any application to be extended beyond~~ 26009  
~~the applicable deadline specified in division (C)(4) of this~~ 26010  
~~section or any extension of it under division (C)(5) of this~~ 26011  
~~section.~~ 26012

~~(D)~~(8) In granting a certificate of need, the director shall 26013

specify as the maximum capital expenditure the certificate holder 26014  
may obligate under the certificate a figure equal to one hundred 26015  
ten per cent of the approved project cost. 26016

~~(E)~~(9) In granting a certificate of need, the director may 26017  
grant the certificate with conditions that must be met by the 26018  
holder of the certificate. 26019

(D) The director shall monitor the activities of persons 26020  
granted certificates of need concerning long-term care beds during 26021  
the period beginning with the granting of the certificate of need 26022  
and ending five years after implementation of the activity for 26023  
which the certificate was granted. 26024

In the case of any other certificate of need, the director 26025  
shall monitor the activities of persons granted certificates of 26026  
need during the period beginning with the granting of the 26027  
certificate of need and ending when the activity for which the 26028  
certificate was granted ceases to be a reviewable activity in 26029  
accordance with section 3702.511 of the Revised Code. 26030

~~(F)~~(E) When reviewing applications for certificates of need 26031  
or monitoring activities of persons granted certificates of need, 26032  
the director may issue and enforce, in the manner provided in 26033  
section 119.09 of the Revised Code, subpoenas duces tecum to 26034  
compel the production of documents relevant to review of the 26035  
application or monitoring of the activities. In addition, the 26036  
director or the director's designee, which may include a health 26037  
service agency, may visit the sites where the activities are or 26038  
will be conducted. 26039

~~(G)~~(F) The director may withdraw certificates of need. 26040

~~(H)~~(G) The director shall conduct, on a regular basis, health 26041  
system data collection and analysis activities and prepare 26042  
reports. The director shall make recommendations based upon these 26043  
activities to the public health council concerning the adoption of 26044

appropriate rules under section 3702.57 of the Revised Code. All 26045  
health care facilities and other health care providers shall 26046  
submit to the director, upon request, any information that is 26047  
necessary to conduct reviews of certificate of need applications 26048  
and to develop recommendations for criteria for reviews, and that 26049  
is prescribed by rules adopted under division (H) of section 26050  
3702.57 of the Revised Code. 26051

~~(I)~~(H) Any decision to grant or deny a certificate of need 26052  
shall consider the special needs and circumstances resulting from 26053  
moral and ethical values and the free exercise of religious rights 26054  
of health care facilities administered by religious organizations, 26055  
and the special needs and circumstances of children's hospitals, 26056  
inner city hospitals, and small rural hospitals. 26057

**Sec. 3702.5211.** Notwithstanding any conflicting provision of 26058  
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 26059  
veterans' home operated under Chapter 5907. of the Revised Code 26060  
that is located in Sandusky, including the Secrest nursing home 26061  
and Giffin care facility, is not required to obtain a certificate 26062  
of need for the addition of up to fifty-two additional nursing 26063  
home beds to be licensed under Chapter 3721. of the Revised Code 26064  
if the additional beds are placed in service prior to June 30, 26065  
1999. 26066

**Sec. 3702.5212.** (A) This section applies to each long-term 26067  
care facility that meets the following requirements: 26068

(1) The facility has been in continuous operation for not 26069  
less than one hundred twenty years prior to the effective date of 26070  
this section; 26071

(2) The facility is located in an inner city area; 26072

(3) The facility is operating as a nonprofit entity organized 26073  
under Chapter 1702. of the Revised Code or the nonprofit law of 26074

another state. 26075

(B) Notwithstanding any conflicting provision of sections 26076  
3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the owner or 26077  
operator of a long-term care facility described in division (A) of 26078  
this section is not required to obtain a certificate of need for 26079  
the addition of up to thirty long-term care beds to be licensed 26080  
under Chapter 3721. of the Revised Code. The exemption shall apply 26081  
only as long as the beds are owned and operated by the facility to 26082  
which the exemption is granted. 26083

**Sec. 3702.5213.** Notwithstanding any conflicting provision of 26084  
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 26085  
veterans' home operated under Chapter 5907. of the Revised Code 26086  
that is located in Brown county is not required to obtain a 26087  
certificate of need for the addition of up to one hundred 26088  
sixty-eight additional nursing home beds to be licensed under 26089  
Chapter 3721. of the Revised Code if the additional beds are 26090  
placed in service prior to December 31, 2004. 26091

**Sec. 3702.57.** (A) The public health council shall adopt rules 26092  
establishing procedures and criteria for reviews of applications 26093  
for certificates of need and issuance, denial, or withdrawal of 26094  
certificates. 26095

(1) The rules shall require that, in addition to any other 26096  
applicable review requirements of sections 3702.51 to 3702.62 of 26097  
the Revised Code and rules adopted thereunder, any application for 26098  
a certificate of need from an osteopathic hospital be reviewed on 26099  
the basis of the need for and the availability in the community of 26100  
services and hospitals for osteopathic physicians and their 26101  
patients, and in terms of its impact on existing and proposed 26102  
institutional training programs for doctors of osteopathy and 26103  
doctors of medicine at the student, internship, and residency 26104

training levels. 26105

(2) In adopting rules that establish criteria for reviews of 26106  
applications of certificates of need, the council shall consider 26107  
the availability of and need for long-term care beds to provide 26108  
care and treatment to persons diagnosed as having traumatic brain 26109  
injuries and shall prescribe criteria for reviewing applications 26110  
that propose to add long-term care beds to provide care and 26111  
treatment to persons diagnosed as having traumatic brain injuries. 26112

(3) The criteria for reviews of applications for certificates 26113  
of need shall relate to the need for the reviewable activity and 26114  
shall pertain to all of the following matters: 26115

(a) The impact of the reviewable activity on the cost and 26116  
quality of health services in the relevant geographic area, 26117  
including, but not limited, to the historical and projected 26118  
utilization of the services to which the application pertains and 26119  
the effect of the reviewable activity on utilization of other 26120  
providers of similar services; 26121

(b) The quality of the services to be provided as the result 26122  
of the activity, as evidenced by the historical performance of the 26123  
persons that will be involved in providing the services and by the 26124  
provisions that are proposed in the application to ensure quality, 26125  
including but not limited to adequate available personnel, 26126  
available ancillary and support services, available equipment, 26127  
size and configuration of physical plant, and relations with other 26128  
providers; 26129

(c) The impact of the reviewable activity on the availability 26130  
and accessibility of the type of services proposed in the 26131  
application to the population of the relevant geographic area, and 26132  
the level of access to the services proposed in the application 26133  
that will be provided to medically underserved individuals such as 26134  
recipients of public assistance and individuals who have no health 26135

insurance or whose health insurance is insufficient;	26136
(d) The activity's short- and long-term financial feasibility	26137
and cost-effectiveness, the impact of the activity on the	26138
applicant's costs and charges, and a comparison of the applicant's	26139
costs and charges with those of providers of similar services in	26140
the applicant's proposed service area;	26141
(e) The advantages, disadvantages, and costs of alternatives	26142
to the reviewable activity;	26143
(f) The impact of the activity on all other providers of	26144
similar services in the health service area or other relevant	26145
geographic area, including the impact on their utilization, market	26146
share, and financial status;	26147
(g) The historical performance of the applicant and related	26148
or affiliated parties in complying with previously granted	26149
certificates of need and any applicable certification,	26150
accreditation, or licensure requirements;	26151
(h) The relationship of the activity to the current edition	26152
of the state health resources plan issued under section 3702.521	26153
of the Revised Code;	26154
(i) The historical performance of the applicant and related	26155
or affiliated parties in providing cost-effective health care	26156
services;	26157
(j) The special needs and circumstances of the applicant or	26158
population proposed to be served by the proposed project,	26159
including research activities, prevalence of particular diseases,	26160
unusual demographic characteristics, cost-effective contractual	26161
affiliations, and other special circumstances;	26162
(k) The appropriateness of the zoning status of the proposed	26163
site of the activity;	26164
(l) The participation by the applicant in research conducted	26165

by the United States food and drug administration or clinical 26166  
trials sponsored by the national institutes of health. 26167

(4) The criteria for reviews of applications may include 26168  
formulas for determining need for beds and services. 26169

(a) The criteria prescribing formulas shall not, either by 26170  
themselves or in conjunction with any established occupancy 26171  
guidelines, require, as a condition of being granted a certificate 26172  
of need, that a hospital reduce its complement of registered beds 26173  
or discontinue any service that is not related to the service or 26174  
project for which the certificate of need is sought. 26175

(b) With respect to applications to conduct reviewable 26176  
activities that are affected directly by the inpatient occupancy 26177  
of a health care facility, including addition, relocation, or 26178  
recategorization of beds or renovation or other construction 26179  
activities relating to inpatient services, the rules shall 26180  
prescribe criteria for determining whether the scope of the 26181  
proposed project is appropriate in light of the historical and 26182  
reasonably projected occupancy rates for the beds related to the 26183  
project. 26184

(c) Any rules prescribing criteria that establish ratios of 26185  
beds, services, or equipment to population shall specify the bases 26186  
for establishing the ratios or mitigating factors or exceptions to 26187  
the ratios. 26188

(B) The council shall adopt rules specifying all of the 26189  
following: 26190

(1) Information that must be provided in applications for 26191  
certificates of need, which shall include a plan for obligating 26192  
the capital expenditure or implementing the proposed project on a 26193  
timely basis in accordance with section 3702.525 of the Revised 26194  
Code; 26195

(2) Procedures for reviewing applications for completeness of 26196

information;	26197
(3) Criteria for determining that the application is complete.	26198 26199
(C) The council shall adopt rules specifying requirements that holders of certificates of need must meet in order for the certificates to remain valid and establishing definitions and requirements for obligation of capital expenditures and implementation of projects authorized by certificates of need.	26200 26201 26202 26203 26204
(D) The council shall adopt rules establishing criteria and procedures under which the director of health may withdraw a certificate of need if the holder fails to meet requirements for continued validity of the certificate.	26205 26206 26207 26208
(E) The council shall adopt rules establishing procedures under which the department of health shall monitor project implementation activities of holders of certificates of need. The rules adopted under this division also may establish procedures for monitoring implementation activities of persons that have received nonreviewability rulings.	26209 26210 26211 26212 26213 26214
(F) The council shall adopt rules establishing procedures under which the director of health shall review certificates of need whose holders exceed or appear likely to exceed an expenditure maximum specified in a certificate.	26215 26216 26217 26218
(G) The council shall adopt rules establishing certificate of need application fees sufficient to pay the costs incurred by the department for administering sections 3702.51 to 3702.62 of the Revised Code and to pay health service agencies for the functions they perform under division (D)(5) of section 3702.58 of the Revised Code. Unless rules are adopted under this division establishing different application fees, the application fee for a project not involving a capital expenditure shall be three thousand dollars and the application fee for a project involving a	26219 26220 26221 26222 26223 26224 26225 26226 26227

capital expenditure shall be nine-tenths of one per cent of the 26228  
capital expenditure proposed subject to a minimum of three 26229  
thousand dollars and a maximum of twenty thousand dollars. 26230

(H) The council shall adopt rules specifying information that 26231  
is necessary to conduct reviews of certificate of need 26232  
applications and to develop recommendations for criteria for 26233  
reviews that health care facilities and other health care 26234  
providers are to submit to the director under division ~~(H)~~(G) of 26235  
section 3702.52 of the Revised Code. 26236

(I) The council shall adopt rules defining "affiliated 26237  
person," "related person," and "ultimate controlling interest" for 26238  
purposes of section 3702.524 of the Revised Code. 26239

(J) The council shall adopt rules prescribing requirements 26240  
for holders of certificates of need to demonstrate to the director 26241  
under section 3702.526 of the Revised Code that reasonable 26242  
progress is being made toward completion of the reviewable 26243  
activity and establishing standards by which the director shall 26244  
determine whether reasonable progress is being made. 26245

(K) The council shall adopt rules defining high-risk cardiac 26246  
catheterization patients. High-risk patients shall include 26247  
patients with significant ischemic syndromes or unstable 26248  
myocardial infarction, patients who need intervention such as 26249  
angioplasty or bypass surgery, patients who may require difficult 26250  
or complex catheterization procedures such as transeptal 26251  
assessment of valvular dysfunction, patients with critical aortic 26252  
stenosis or congestive heart failure, and other patients specified 26253  
by the council. 26254

(L) The public health council shall adopt all rules under 26255  
divisions (A) to (K) of this section in accordance with Chapter 26256  
119. of the Revised Code. The council may adopt other rules as 26257  
necessary to carry out the purposes of sections 3702.51 to 3702.62 26258

of the Revised Code. 26259

**Sec. ~~3702.68~~ 3702.59.** (A) Notwithstanding any conflicting provision of sections 3702.51 to 3702.62 of the Revised Code, other than the provisions of sections 3702.5210, 3702.5211, 3702.5212, and 3702.5213 of the Revised Code, both of the following apply under the certificate of need program: 26260  
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(1) Divisions (B) to (E) of this section applies apply to the review of certificate of need applications during the period beginning July 1, 1993, and ending June 30, ~~2007~~ 2009. 26265  
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~~As used in this section, "existing health care facility" has the same meaning as in section 3702.51 of the Revised Code (2)~~ 26268  
Beginning July 1, 2009, the director of health shall not accept for review under section 3702.52 of the Revised Code any application for a certificate of need to recategorize hospital beds as described in section 3702.522 of the Revised Code. 26269  
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(B)(1) Except as provided in division (B)(2) of this section, the director of health shall neither grant nor deny any application for a certificate of need submitted prior to July 1, 1993, if the application was for any of the following and the director had not issued a written decision concerning the application prior to that date: 26274  
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(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; 26280  
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(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 26284  
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26286  
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under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 26289  
42 U.S.C.A. 301, as amended; 26290

(c) Recategorization of hospital beds as described in section 26291  
3702.522 of the Revised Code, an increase of hospital beds 26292  
registered pursuant to section 3701.07 of the Revised Code as 26293  
long-term care beds or skilled nursing facility beds, or a 26294  
recategorization of hospital beds that would result in an increase 26295  
of beds registered pursuant to that section as long-term care beds 26296  
or skilled nursing facility beds. 26297

On July 1, 1993, the director shall return each such 26298  
application to the applicant and, notwithstanding section 3702.52 26299  
of the Revised Code regarding the uses of the certificate of need 26300  
fund, shall refund to the applicant the application fee paid under 26301  
that section. Applications returned under division (B)(1) of this 26302  
section may be resubmitted in accordance with section 3702.52 of 26303  
the Revised Code no sooner than July 1, ~~2007~~ 2009. 26304

(2) The director shall continue to review and shall issue a 26305  
decision regarding any application submitted prior to July 1, 26306  
1993, to increase beds for either of the purposes described in 26307  
division (B)(1)(a) or (b) of this section if the proposed increase 26308  
in beds is attributable solely to a replacement or relocation of 26309  
existing beds within the same county. The director shall authorize 26310  
under such an application no additional beds beyond those being 26311  
replaced or relocated. 26312

(C)(1) Except as provided in division (C)(2) of this section, 26313  
the director, during the period beginning July 1, 1993, and ending 26314  
June 30, ~~2007~~ 2009, shall not accept for review under section 26315  
3702.52 of the Revised Code any application for a certificate of 26316  
need for any of the purposes described in divisions (B)(1)(a) to 26317  
(c) of this section. 26318

(2)(a) The director shall accept for review any application 26319

for either of the purposes described in division (B)(1)(a) or (b) 26320  
of this section if the proposed increase in beds is attributable 26321  
solely to a replacement or relocation of existing beds from an 26322  
existing health care facility within the same county. The director 26323  
shall authorize under such an application no additional beds 26324  
beyond those being replaced or relocated. 26325

The director shall not approve an application for a 26326  
certificate of need for addition of long-term care beds to an 26327  
existing health care facility by relocation of beds or for the 26328  
development of a new health care facility by relocation of beds 26329  
unless all of the following conditions are met: 26330

(i) The existing health care facility to which the beds are 26331  
being relocated has no waivers for life safety code waivers 26332  
deficiencies, no state fire code violations, and no state building 26333  
code violations, or the project identified in the application 26334  
proposes to correct all life safety code deficiencies for which a 26335  
waiver has been granted, all state fire code violations, and all 26336  
state building code violations at the existing health care 26337  
facility to which the beds are being relocated; 26338

(ii) During the sixty-month period preceding the filing of 26339  
the application, no notice of proposed revocation of the 26340  
facility's license was issued under section 3721.03 of the Revised 26341  
Code to the operator of the existing facility to which the beds 26342  
are being relocated or to any health care facility owned or 26343  
operated by the applicant or any principal participant in the same 26344  
corporation or other business; 26345

(iii) Neither the existing health care facility to which the 26346  
beds are being relocated nor any health care facility owned or 26347  
operated by the applicant or any principal participant in the same 26348  
corporation or other business has had a long-standing pattern of 26349  
violations of this chapter or deficiencies that caused one or more 26350  
residents physical, emotional, mental, or psychosocial harm. 26351

(b) The director also shall accept for review any application 26352  
for the conversion of infirmary beds to long-term care beds if the 26353  
infirmary meets all of the following conditions: 26354

(i) Is operated exclusively by a religious order; 26355

(ii) Provides care exclusively to members of religious orders 26356  
who take vows of celibacy and live by virtue of their vows within 26357  
the orders as if related; 26358

(iii) Was providing care exclusively to members of such a 26359  
religious order on January 1, 1994. 26360

(D) The director shall issue a decision regarding any case 26361  
remanded by a court as the result of a decision issued by the 26362  
director prior to July 1, 1993, to grant, deny, or withdraw a 26363  
certificate of need for any of the purposes described in divisions 26364  
(B)(1)(a) to (c) of this section. 26365

(E) The director shall not project the need for beds listed 26366  
in division (B)(1) of this section for the period beginning July 26367  
1, 1993, and ending June 30, ~~2007~~ 2009. 26368

~~This section is an interim section effective until July 1,~~ 26369  
~~2007.~~ 26370

**Sec. ~~3702.63~~ 3702.591.** As specified in former Section 11 of 26371  
Am. Sub. S.B. 50 of the 121st general assembly, as amended by Am. 26372  
Sub. H.B. 405 of the 124th general assembly, all of the following 26373  
apply: 26374

(A) The removal of former divisions (E) and (F) of section 26375  
3702.52 of the Revised Code by Sections 1 and 2 of Am. Sub. S.B. 26376  
50 of the 121st general assembly does not release the holders of 26377  
certificates of need issued under those divisions from complying 26378  
with any conditions on which the granting of the certificates of 26379  
need was based, including the requirement of former division 26380  
(E)(6) of that section that the holders not enter into provider 26381

agreements under Chapter 5111. of the Revised Code and Title XIX 26382  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 26383  
as amended, for at least ten years following initial licensure of 26384  
the long-term care facilities for which the certificates were 26385  
granted. 26386

(B) The repeal of section 3702.55 of the Revised Code by 26387  
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 26388  
not release the holders of certificates of need issued under that 26389  
section from complying with any conditions on which the granting 26390  
of the certificates of need was based, other than the requirement 26391  
of division (A)(6) of that section that the holders not seek 26392  
certification under Title XVIII of the "Social Security Act" for 26393  
beds recategorized under the certificates. That repeal also does 26394  
not eliminate the requirement that the director of health revoke 26395  
the licensure of the beds under Chapter 3721. of the Revised Code 26396  
if a person to which their ownership is transferred fails, as 26397  
required by division (A)(6) of the repealed section, to file 26398  
within ten days after the transfer a sworn statement not to seek 26399  
certification under Title XIX of the "Social Security Act" for 26400  
beds recategorized under the certificates of need. 26401

(C) The repeal of section 3702.56 of the Revised Code by 26402  
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 26403  
not release the holders of certificates of need issued under that 26404  
section from complying with any conditions on which the granting 26405  
of the certificates of need was based. 26406

**Sec. 3704.03.** The director of environmental protection may do 26407  
any of the following: 26408

(A) Develop programs for the prevention, control, and 26409  
abatement of air pollution; 26410

(B) Advise, consult, contract, and cooperate with any 26411  
governmental or private agency in the furtherance of the purposes 26412

of this chapter;	26413
(C) Encourage, participate in, or conduct studies,	26414
investigations, and research relating to air pollution, collect	26415
and disseminate information, and conduct education and training	26416
programs relating to the causes, prevention, control, and	26417
abatement of air pollution;	26418
(D) Adopt, modify, and rescind rules prescribing ambient air	26419
quality standards for the state as a whole or for various areas of	26420
the state that are consistent with and no more stringent than the	26421
national ambient air quality standards in effect under the federal	26422
Clean Air Act;	26423
(E) Adopt, modify, suspend, and rescind rules for the	26424
prevention, control, and abatement of air pollution, including	26425
rules prescribing for the state as a whole or for various areas of	26426
the state emission standards for air contaminants, and other	26427
necessary rules for the purpose of achieving and maintaining	26428
compliance with ambient air quality standards in all areas within	26429
the state as expeditiously as practicable, but not later than any	26430
deadlines applicable under the federal Clean Air Act; rules for	26431
the prevention or control of the emission of hazardous or toxic	26432
air contaminants; rules prescribing fugitive dust limitations and	26433
standards that are related, on an areawide basis, to attainment	26434
and maintenance of ambient air quality standards; rules	26435
prescribing shade, density, or opacity limitations and standards	26436
for emissions, provided that with regard to air contaminant	26437
sources for which there are particulate matter emission standards	26438
in addition to a shade, density, or opacity rule, upon	26439
demonstration by such a source of compliance with those other	26440
standards, the shade, density, or opacity rule shall provide for	26441
establishment of a shade, density, or opacity limitation for that	26442
source that does not require the source to reduce emissions below	26443
the level specified by those other standards; rules for the	26444

prevention or control of odors and air pollution nuisances; rules 26445  
that prevent significant deterioration of air quality to the 26446  
extent required by the federal Clean Air Act; rules for the 26447  
protection of visibility as required by the federal Clean Air Act; 26448  
and rules prescribing open burning limitations and standards. In 26449  
adopting, modifying, suspending, or rescinding any such rules, the 26450  
director, to the extent consistent with the federal Clean Air Act, 26451  
shall hear and give consideration to evidence relating to all of 26452  
the following: 26453

(1) Conditions calculated to result from compliance with the 26454  
rules, the overall cost within this state of compliance with the 26455  
rules, and their relation to benefits to the people of the state 26456  
to be derived from that compliance; 26457

(2) The quantity and characteristics of air contaminants, the 26458  
frequency and duration of their presence in the ambient air, and 26459  
the dispersion and dilution of those contaminants; 26460

(3) Topography, prevailing wind directions and velocities, 26461  
physical conditions, and other factors that may or may combine to 26462  
affect air pollution. 26463

Consistent with division (K) of section 3704.036 of the 26464  
Revised Code, the director shall consider alternative emission 26465  
limits proposed by the owner or operator of an air contaminant 26466  
source that is subject to an emission limit established in rules 26467  
adopted under this division and shall accept those alternative 26468  
emission limits that the director determines to be equivalent to 26469  
emission limits established in rules adopted under this division. 26470

(F)(1) Adopt, modify, suspend, and rescind rules consistent 26471  
with the purposes of this chapter prohibiting the location, 26472  
installation, construction, or modification of any air contaminant 26473  
source or any machine, equipment, device, apparatus, or physical 26474  
facility intended primarily to prevent or control the emission of 26475

air contaminants unless an installation permit therefor has been 26476  
obtained from the director or the director's authorized 26477  
representative. 26478

(2) Applications for installation permits shall be 26479  
accompanied by plans, specifications, construction schedules, and 26480  
such other pertinent information and data, including data on 26481  
ambient air quality impact and a demonstration of best available 26482  
technology, as the director may require. Installation permits 26483  
shall be issued for a period specified by the director and are 26484  
transferable. The director shall specify in each permit the 26485  
applicable emission standards and that the permit is conditioned 26486  
upon payment of the applicable fees as required by section 3745.11 26487  
of the Revised Code and upon the right of the director's 26488  
authorized representatives to enter upon the premises of the 26489  
person to whom the permit has been issued, at any reasonable time 26490  
and subject to safety requirements of the person in control of the 26491  
premises, for the purpose of determining compliance with such 26492  
standards, this chapter, the rules adopted thereunder, and the 26493  
conditions of any permit, variance, or order issued thereunder. 26494  
Each proposed new or modified air contaminant source shall provide 26495  
such notice of its proposed installation or modification to other 26496  
states as is required under the federal Clean Air Act. 26497  
Installation permits shall include the authorization to operate 26498  
sources installed and operated in accordance with terms and 26499  
conditions of the installation permits for a period not to exceed 26500  
one year from commencement of operation, which authorization shall 26501  
constitute an operating permit under division (G) of this section 26502  
and rules adopted under it. 26503

No installation permit shall be required for activities that 26504  
are subject to and in compliance with a plant-wide applicability 26505  
limit issued by the director in accordance with rules adopted 26506  
under this section. 26507

No installation permit shall be issued except in accordance 26508  
with all requirements of this chapter and rules adopted 26509  
thereunder. No application shall be denied or permit revoked or 26510  
modified without a written order stating the findings upon which 26511  
denial, revocation, or modification is based. A copy of the order 26512  
shall be sent to the applicant or permit holder by certified mail. 26513

(3) Not later than two years after ~~the effective date of this~~ 26514  
~~amendment~~ August 3, 2006, the director shall adopt a rule in 26515  
accordance with Chapter 119. of the Revised Code specifying that a 26516  
permit to install is required only for new or modified air 26517  
contaminant sources that emit any of the following air 26518  
contaminants: 26519

(a) An air contaminant or precursor of an air contaminant for 26520  
which a national ambient air quality standard has been adopted 26521  
under the federal Clean Air Act; 26522

(b) An air contaminant for which the air contaminant source 26523  
is regulated under the federal Clean Air Act; 26524

(c) An air contaminant that presents, or may present, through 26525  
inhalation or other routes of exposure, a threat of adverse human 26526  
health effects, including, but not limited to, substances that are 26527  
known to be, or may reasonably be anticipated to be, carcinogenic, 26528  
mutagenic, teratogenic, or neurotoxic, that cause reproductive 26529  
dysfunction, or that are acutely or chronically toxic, or a threat 26530  
of adverse environmental effects whether through ambient 26531  
concentrations, bioaccumulation, deposition, or otherwise, and 26532  
that is identified in the rule by chemical name and chemical 26533  
abstract service number. 26534

The director may modify the rule adopted under division 26535  
(F)(3)(c) of this section for the purpose of adding or deleting 26536  
air contaminants. For each air contaminant that is contained in or 26537  
deleted from the rule adopted under division (F)(3)(c) of this 26538

section, the director shall include in a notice accompanying any 26539  
proposed or final rule an explanation of the director's 26540  
determination that the air contaminant meets the criteria 26541  
established in that division and should be added to, or no longer 26542  
meets the criteria and should be deleted from, the list of air 26543  
contaminants. The explanation shall include an identification of 26544  
the scientific evidence on which the director relied in making the 26545  
determination. Until adoption of the rule under division (F)(3)(c) 26546  
of this section, nothing shall affect the director's authority to 26547  
issue, deny, modify, or revoke permits to install under this 26548  
chapter and rules adopted under it. 26549

(4)(a) Applications for permits to install new or modified 26550  
air contaminant sources shall contain sufficient information 26551  
regarding air contaminants for which the director may require a 26552  
permit to install to determine conformity with the environmental 26553  
protection agency's document entitled "Review of New Sources of 26554  
Air Toxics Emissions, Option A," dated May 1986, which the 26555  
director shall use to evaluate toxic emissions from new or 26556  
modified air contaminant sources. The director shall make copies 26557  
of the document available to the public upon request at no cost 26558  
and post the document on the environmental protection agency's web 26559  
site. Any inconsistency between the document and division (F)(4) 26560  
of this section shall be resolved in favor of division (F)(4) of 26561  
this section. 26562

(b) The maximum acceptable ground level concentration of an 26563  
air contaminant shall be calculated in accordance with the 26564  
document entitled "Review of New Sources of Air Toxics Emissions, 26565  
Option A." Modeling shall be conducted to determine the increase 26566  
in the ground level concentration of an air contaminant beyond the 26567  
facility's boundary caused by the emissions from a new or modified 26568  
source that is the subject of an application for a permit to 26569  
install. Modeling shall be based on the maximum hourly rate of 26570

emissions from the source using information including, but not 26571  
limited to, any emission control devices or methods, operational 26572  
restrictions, stack parameters, and emission dispersion devices or 26573  
methods that may affect ground level concentrations, either 26574  
individually or in combination. The director shall determine 26575  
whether the activities for which a permit to install is sought 26576  
will cause an increase in the ground level concentration of one or 26577  
more relevant air contaminants beyond the facility's boundary by 26578  
an amount in excess of the maximum acceptable ground level 26579  
concentration. In making the determination as to whether the 26580  
maximum acceptable ground level concentration will be exceeded, 26581  
the director shall give consideration to the modeling conducted 26582  
under division (F)(4)(b) of this section and other relevant 26583  
information submitted by the applicant. 26584

(c) If the modeling conducted under division (F)(4)(b) of 26585  
this section with respect to an application for a permit to 26586  
install demonstrates that the maximum ground level concentration 26587  
from a new or modified source will be greater than or equal to 26588  
eighty per cent, but less than one hundred per cent of the maximum 26589  
acceptable ground level concentration for an air contaminant, the 26590  
director may establish terms and conditions in the permit to 26591  
install for the air contaminant source that will require the owner 26592  
or operator of the air contaminant source to maintain emissions of 26593  
that air contaminant commensurate with the modeled level, which 26594  
shall be expressed as allowable emissions per day. In order to 26595  
calculate the allowable emissions per day, the director shall 26596  
multiply the hourly emission rate modeled under division (F)(4)(b) 26597  
of this section to determine the ground level concentration by the 26598  
operating schedule that has been identified in the permit to 26599  
install application. Terms and conditions imposed under division 26600  
(F)(4)(c) of this section are not federally enforceable 26601  
requirements and, if included in a Title V permit, shall be placed 26602  
in the portion of the permit that is only enforceable by the 26603

state. 26604

(d) If the modeling conducted under division (F)(4)(b) of 26605  
this section with respect to an application for a permit to 26606  
install demonstrates that the maximum ground level concentration 26607  
from a new or modified source will be less than eighty per cent of 26608  
the maximum acceptable ground level concentration, the owner or 26609  
operator of the source annually shall report to the director, on a 26610  
form prescribed by the director, whether operations of the source 26611  
are consistent with the information regarding the operations that 26612  
was used to conduct the modeling with regard to the permit to 26613  
install application. The annual report to the director shall be in 26614  
lieu of an emission limit or other permit terms and conditions 26615  
imposed pursuant to division (F)(4) of this section. The director 26616  
may consider any significant departure from the operations of the 26617  
source described in the permit to install application that results 26618  
in greater emissions than the emissions rate modeled to determine 26619  
the ground level concentration as a modification and require the 26620  
owner or operator to submit a permit to install application for 26621  
the increased emissions. The requirements established in division 26622  
(F)(4)(d) of this section are not federally enforceable 26623  
requirements and, if included in a Title V permit, shall be placed 26624  
in the portion of the permit that is only enforceable by the 26625  
state. 26626

(e) Division (F)(4) of this section and the document entitled 26627  
"Review of New Sources of Air Toxics Emissions, Option A" shall 26628  
not be included in the state implementation plan under section 110 26629  
of the federal Clean Air Act and do not apply to an air 26630  
contaminant source that is subject to a maximum achievable control 26631  
technology standard or residual risk standard under section 112 of 26632  
the federal Clean Air Act, to a particular air contaminant 26633  
identified under 40 C.F.R. 51.166, division (b)(23), for which the 26634  
director has determined that the owner or operator of the source 26635

is required to install best available control technology for that 26636  
particular air contaminant, or to a particular air contaminant for 26637  
which the director has determined that the source is required to 26638  
meet the lowest achievable emission rate, as defined in 40 C.F.R. 26639  
part 51, Appendix S, for that particular air contaminant. 26640

(f)(i) Division (F)(4) of this section and the document 26641  
entitled "Review of New Sources of Air Toxics Emissions, Option A" 26642  
do not apply to parking lots, storage piles, storage tanks, 26643  
transfer operations, grain silos, grain dryers, emergency 26644  
generators, gasoline dispensing operations, air contaminant 26645  
sources that emit air contaminants solely from the combustion of 26646  
fossil fuels, or the emission of wood dust, sand, glass dust, coal 26647  
dust, silica, and grain dust. 26648

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 26649  
the director may require an individual air contaminant source that 26650  
is within one of the source categories identified in division 26651  
(F)(4)(f)(i) of this section to submit information in an 26652  
application for a permit to install a new or modified source in 26653  
order to determine the source's conformity to the document if the 26654  
director has information to conclude that the particular new or 26655  
modified source will potentially cause an increase in ground level 26656  
concentration beyond the facility's boundary that exceeds the 26657  
maximum acceptable ground level concentration as set forth in the 26658  
document. 26659

(iii) The director may adopt rules in accordance with Chapter 26660  
119. of the Revised Code that are consistent with the purposes of 26661  
this chapter and that add to or delete from the source category 26662  
exemptions established in division (F)(4)(f)(i) of this section. 26663

(5) Not later than one year after ~~the effective date of this~~ 26664  
~~amendment~~ August 3, 2006, the director shall adopt rules in 26665  
accordance with Chapter 119. of the Revised Code specifying 26666  
activities that do not, by themselves, constitute beginning actual 26667

construction activities related to the installation or 26668  
modification of an air contaminant source for which a permit to 26669  
install is required such as the grading and clearing of land, 26670  
on-site storage of portable parts and equipment, and the 26671  
construction of foundations or buildings that do not themselves 26672  
emit air contaminants. The rules also shall allow specified 26673  
initial activities that are part of the installation or 26674  
modification of an air contaminant source, such as the 26675  
installation of electrical and other utilities for the source, 26676  
prior to issuance of a permit to install, provided that the owner 26677  
or operator of the source has filed a complete application for a 26678  
permit to install, the director or the director's designee has 26679  
determined that the application is complete, and the owner or 26680  
operator of the source has notified the director that this 26681  
activity will be undertaken prior to the issuance of a permit to 26682  
install. Any activity that is undertaken by the source under those 26683  
rules shall be at the risk of the owner or operator. The rules 26684  
shall not apply to activities that are precluded prior to permit 26685  
issuance under section 111, section 112, Part C of Title I, and 26686  
Part D of Title I of the federal Clean Air Act. 26687

(G) Adopt, modify, suspend, and rescind rules prohibiting the 26688  
operation or other use of any new, modified, or existing air 26689  
contaminant source unless an operating permit has been obtained 26690  
from the director or the director's authorized representative, or 26691  
the air contaminant source is being operated in compliance with 26692  
the conditions of a variance issued pursuant to division (H) of 26693  
this section. Applications for operating permits shall be 26694  
accompanied by such plans, specifications, and other pertinent 26695  
information as the director may require. Operating permits may be 26696  
issued for a period determined by the director not to exceed five 26697  
ten years, are renewable, and are transferable. The director shall 26698  
specify in each operating permit that the permit is conditioned 26699  
upon payment of the applicable fees as required by section 3745.11 26700

of the Revised Code and upon the right of the director's 26701  
authorized representatives to enter upon the premises of the 26702  
person to whom the permit has been issued, at any reasonable time 26703  
and subject to safety requirements of the person in control of the 26704  
premises, for the purpose of determining compliance with this 26705  
chapter, the rules adopted thereunder, and the conditions of any 26706  
permit, variance, or order issued thereunder. Operating permits 26707  
may be denied or revoked for failure to comply with this chapter 26708  
or the rules adopted thereunder. An operating permit shall be 26709  
issued only upon a showing satisfactory to the director or the 26710  
director's representative that the air contaminant source is being 26711  
operated in compliance with applicable emission standards and 26712  
other rules or upon submission of a schedule of compliance 26713  
satisfactory to the director for a source that is not in 26714  
compliance with all applicable requirements at the time of permit 26715  
issuance, provided that the compliance schedule shall be 26716  
consistent with and at least as stringent as that contained in any 26717  
judicial consent decree or administrative order to which the air 26718  
contaminant source is subject. The rules shall provide for the 26719  
issuance of conditional operating permits for such reasonable 26720  
periods as the director may determine to allow the holder of an 26721  
installation permit, who has constructed, installed, located, or 26722  
modified a new air contaminant source in accordance with the 26723  
provisions of an installation permit, to make adjustments or 26724  
modifications necessary to enable the new air contaminant source 26725  
to comply with applicable emission standards and other rules. 26726  
Terms and conditions of operating permits issued pursuant to this 26727  
division shall be federally enforceable for the purpose of 26728  
establishing the potential to emit of a stationary source and 26729  
shall be expressly designated as federally enforceable. Any such 26730  
federally enforceable restrictions on a source's potential to emit 26731  
shall include both an annual limit and a short-term limit of not 26732  
more than thirty days for each pollutant to be restricted together 26733

with adequate methods for establishing compliance with the 26734  
restrictions. In other respects, operating permits issued pursuant 26735  
to this division are enforceable as state law only. No application 26736  
shall be denied or permit revoked or modified without a written 26737  
order stating the findings upon which denial, revocation, or 26738  
modification is based. A copy of the order shall be sent to the 26739  
applicant or permit holder by certified mail. 26740

(H) Adopt, modify, and rescind rules governing the issuance, 26741  
revocation, modification, or denial of variances that authorize 26742  
emissions in excess of the applicable emission standards. 26743

No variance shall be issued except pursuant to those rules. 26744  
The rules shall prescribe conditions and criteria in furtherance 26745  
of the purposes of this chapter and consistent with the federal 26746  
Clean Air Act governing eligibility for issuance of variances, 26747  
which shall include all of the following: 26748

(1) Provisions requiring consistency of emissions authorized 26749  
by a variance with timely attainment and maintenance of ambient 26750  
air quality standards; 26751

(2) Provisions prescribing the classes and categories of air 26752  
contaminants and air contaminant sources for which variances may 26753  
be issued; 26754

(3) Provisions defining the circumstances under which an 26755  
applicant shall demonstrate that compliance with applicable 26756  
emission standards is technically infeasible, economically 26757  
unreasonable, or impossible because of conditions beyond the 26758  
control of the applicant; 26759

(4) Other provisions prescribed in furtherance of the goals 26760  
of this chapter. 26761

The rules shall prohibit the issuance of variances from any 26762  
emission limitation that was applicable to a source pursuant to an 26763  
installation permit and shall prohibit issuance of variances that 26764

conflict with the federal Clean Air Act. 26765

Applications for variances shall be accompanied by such 26766  
information as the director may require. In issuing variances, the 26767  
director may order the person to whom a variance is issued to 26768  
furnish plans and specifications and such other information and 26769  
data, including interim reports, as the director may require and 26770  
to proceed to take such action within such time as the director 26771  
may determine to be appropriate and reasonable to prevent, 26772  
control, or abate the person's existing emissions of air 26773  
contaminants. The director shall specify in each variance that the 26774  
variance is conditioned upon payment of the applicable fees as 26775  
required by section 3745.11 of the Revised Code and upon the right 26776  
of the director's authorized representatives to enter upon the 26777  
premises of the person to whom the variance has been issued, at 26778  
any reasonable time and subject to safety requirements of the 26779  
person in control of the premises, for the purpose of determining 26780  
compliance with this chapter, the rules adopted thereunder, and 26781  
the conditions of any permit, variance, or order issued 26782  
thereunder. 26783

The director may hold a public hearing on an application for 26784  
a variance or renewal thereof at a location in the county where 26785  
the variance is sought. The director shall give not less than 26786  
twenty days' notice of the hearing to the applicant by certified 26787  
mail and cause at least one publication of notice in a newspaper 26788  
with general circulation in the county where the variance is 26789  
sought. The director shall keep available for public inspection at 26790  
the principal office of the environmental protection agency a 26791  
current schedule of pending applications for variances and a 26792  
current schedule of pending variance hearings. The director shall 26793  
make a complete stenographic record of testimony and other 26794  
evidence submitted at the hearing. The director shall make a 26795  
written determination to issue, renew, or deny the variance and 26796

shall enter the determination and the basis therefor into the 26797  
record of the hearing. The director shall issue, renew, or deny an 26798  
application for a variance or renewal thereof, or issue a proposed 26799  
action upon the application pursuant to section 3745.07 of the 26800  
Revised Code, within six months of the date upon which the 26801  
director receives a complete application with all pertinent 26802  
information and data required by the director. 26803

Any variance granted pursuant to rules adopted under this 26804  
division shall be for a period specified by the director, not to 26805  
exceed three years, and may be renewed from time to time on such 26806  
terms and for such periods, not to exceed three years each, as the 26807  
director determines to be appropriate. A variance may be revoked, 26808  
or renewal denied, for failure to comply with conditions specified 26809  
in the variance. No variance shall be issued, denied, revoked, or 26810  
modified without a written order stating the findings upon which 26811  
the issuance, denial, revocation, or modification is based. A copy 26812  
of the order shall be sent to the applicant or variance holder by 26813  
certified mail. 26814

(I) Require the owner or operator of an air contaminant 26815  
source to install, employ, maintain, and operate such emissions, 26816  
ambient air quality, meteorological, or other monitoring devices 26817  
or methods as the director shall prescribe; to sample those 26818  
emissions at such locations, at such intervals, and in such manner 26819  
as the director prescribes; to maintain records and file periodic 26820  
reports with the director containing information as to location, 26821  
size, and height of emission outlets, rate, duration, and 26822  
composition of emissions, and any other pertinent information the 26823  
director prescribes; and to provide such written notice to other 26824  
states as the director shall prescribe. In requiring monitoring 26825  
devices, records, and reports, the director, to the extent 26826  
consistent with the federal Clean Air Act, shall give 26827  
consideration to technical feasibility and economic reasonableness 26828

and allow reasonable time for compliance. For sources where a 26829  
specific monitoring, record-keeping, or reporting requirement is 26830  
specified for a particular air contaminant from a particular air 26831  
contaminant source in an applicable regulation adopted by the 26832  
United States environmental protection agency under the federal 26833  
Clean Air Act or in an applicable rule adopted by the director, 26834  
the director shall not impose an additional requirement in a 26835  
permit that is a different monitoring, record-keeping, or 26836  
reporting requirement other than the requirement specified in the 26837  
applicable regulation or rule for that air contaminant except as 26838  
otherwise agreed to by the owner or operator of the air 26839  
contaminant source and the director. If two or more regulations or 26840  
rules impose different monitoring, record-keeping, or reporting 26841  
requirements for the same air contaminant from the same air 26842  
contaminant source, the director may impose permit terms and 26843  
conditions that consolidate or streamline the monitoring, 26844  
record-keeping, or reporting requirements in a manner that 26845  
conforms with each applicable requirement. To the extent 26846  
consistent with the federal Clean Air Act and except as otherwise 26847  
agreed to by the owner or operator of an air contaminant source 26848  
and the director, the director shall not require an operating 26849  
restriction that has the practical effect of increasing the 26850  
stringency of an existing applicable emission limitation or 26851  
standard. 26852

(J) Establish, operate, and maintain monitoring stations and 26853  
other devices designed to measure air pollution and enter into 26854  
contracts with any public or private agency for the establishment, 26855  
operation, or maintenance of such stations and devices; 26856

(K) By rule adopt procedures for giving reasonable public 26857  
notice and conducting public hearings on any plans for the 26858  
prevention, control, and abatement of air pollution that the 26859  
director is required to submit to the federal government; 26860

(L) Through any employee, agent, or authorized representative 26861  
of the director or the environmental protection agency, enter upon 26862  
private or public property, including improvements thereon, at any 26863  
reasonable time, to make inspections, take samples, conduct tests, 26864  
and examine records or reports pertaining to any emission of air 26865  
contaminants and any monitoring equipment or methods and to 26866  
determine if there are any actual or potential emissions from such 26867  
premises and, if so, to determine the sources, amounts, contents, 26868  
and extent of those emissions, or to ascertain whether there is 26869  
compliance with this chapter, any orders issued or rules adopted 26870  
thereunder, or any other determination of the director. The 26871  
director, at reasonable times, may have access to and copy any 26872  
such records. If entry or inspection authorized by this division 26873  
is refused, hindered, or thwarted, the director or the director's 26874  
authorized representative may by affidavit apply for, and any 26875  
judge of a court of record may issue, an appropriate inspection 26876  
warrant necessary to achieve the purposes of this chapter within 26877  
the court's territorial jurisdiction. 26878

(M) Accept and administer gifts or grants from the federal 26879  
government and from any other source, public or private, for 26880  
carrying out any of the functions under this chapter; 26881

(N) Obtain necessary scientific, technical, and laboratory 26882  
services; 26883

(O) Establish advisory boards in accordance with section 26884  
121.13 of the Revised Code; 26885

(P) Delegate to any city or general health district or 26886  
political subdivision of the state any of the director's 26887  
enforcement and monitoring powers and duties, other than 26888  
rule-making powers, as the director elects to delegate, and in 26889  
addition employ, compensate, and prescribe the powers and duties 26890  
of such officers, employees, and consultants as are necessary to 26891  
enable the director to exercise the authority and perform duties 26892

imposed upon the director by law. Technical and other services 26893  
shall be performed, insofar as practical, by personnel of the 26894  
environmental protection agency. 26895

(Q) Certify to the government of the United States or any 26896  
agency thereof that an industrial air pollution facility is in 26897  
conformity with the state program or requirements for control of 26898  
air pollution whenever such certificate is required for a taxpayer 26899  
pursuant to any federal law or requirements; 26900

(R) Issue, modify, or revoke orders requiring abatement of or 26901  
prohibiting emissions that violate applicable emission standards 26902  
or other requirements of this chapter and rules adopted 26903  
thereunder, or requiring emission control devices or measures in 26904  
order to comply with applicable emission standards or other 26905  
requirements of this chapter and rules adopted thereunder. Any 26906  
such order shall require compliance with applicable emission 26907  
standards by a specified date and shall not conflict with any 26908  
requirement of the federal Clean Air Act. In the making of such 26909  
orders, the director, to the extent consistent with the federal 26910  
Clean Air Act, shall give consideration to, and base the 26911  
determination on, evidence relating to the technical feasibility 26912  
and economic reasonableness of compliance with such orders and 26913  
their relation to benefits to the people of the state to be 26914  
derived from such compliance. If, under the federal Clean Air Act, 26915  
any such order shall provide for the posting of a bond or surety 26916  
to secure compliance with the order as a condition of issuance of 26917  
the order, the order shall so provide, but only to the extent 26918  
required by the federal Clean Air Act. 26919

(S) To the extent provided by the federal Clean Air Act, 26920  
adopt, modify, and rescind rules providing for the administrative 26921  
assessment and collection of monetary penalties, not in excess of 26922  
those required pursuant to the federal Clean Air Act, for failure 26923  
to comply with any emission limitation or standard, compliance 26924

schedule, or other requirement of any rule, order, permit, or 26925  
variance issued or adopted under this chapter or required under 26926  
the applicable implementation plan whether or not the source is 26927  
subject to a federal or state consent decree. The director may 26928  
require the submission of compliance schedules, calculations of 26929  
penalties for noncompliance, and related information. Any orders, 26930  
payments, sanctions, or other requirements imposed pursuant to 26931  
rules adopted under this division shall be in addition to any 26932  
other permits, orders, payments, sanctions, or other requirements 26933  
established under this chapter and shall not affect any civil or 26934  
criminal enforcement proceedings brought under any provision of 26935  
this chapter or any other provision of state or local law. This 26936  
division does not apply to any requirement of this chapter 26937  
regarding the prevention or abatement of odors. 26938

(T) Require new or modified air contaminant sources to 26939  
install best available technology, but only in accordance with 26940  
this division. With respect to permits issued pursuant to division 26941  
(F) of this section beginning three years after ~~the effective date~~ 26942  
~~of this amendment~~ August 3, 2006, best available technology for 26943  
air contaminant sources and air contaminants emitted by those 26944  
sources that are subject to standards adopted under section 112, 26945  
Part C of Title I, and Part D of Title I of the federal Clean Air 26946  
Act shall be equivalent to and no more stringent than those 26947  
standards. For an air contaminant or precursor of an air 26948  
contaminant for which a national ambient air quality standard has 26949  
been adopted under the federal Clean Air Act, best available 26950  
technology only shall be required to the extent required by rules 26951  
adopted under Chapter 119. of the Revised Code for permit to 26952  
install applications filed three or more years after ~~the effective~~ 26953  
~~date of this amendment~~ August 3, 2006. 26954

Best available technology requirements established in rules 26955  
adopted under this division shall be expressed only in one of the 26956

following ways that is most appropriate for the applicable source 26957  
or source categories: 26958

(1) Work practices; 26959

(2) Source design characteristics or design efficiency of 26960  
applicable air contaminant control devices; 26961

(3) Raw material specifications or throughput limitations 26962  
averaged over a twelve-month rolling period; 26963

(4) Monthly allowable emissions averaged over a twelve-month 26964  
rolling period. 26965

Best available technology requirements shall not apply to an 26966  
air contaminant source that has the potential to emit, taking into 26967  
account air pollution controls installed on the source, less than 26968  
ten tons per year of emissions of an air contaminant or precursor 26969  
of an air contaminant for which a national ambient air quality 26970  
standard has been adopted under the federal Clean Air Act. In 26971  
addition, best available technology requirements established in 26972  
rules adopted under this division shall not apply to any existing, 26973  
new, or modified air contaminant source that is subject to a 26974  
plant-wide applicability limit that has been approved by the 26975  
director. Further, best available technology requirements 26976  
established in rules adopted under this division shall not apply 26977  
to general permits issued prior to January 1, 2006, under rules 26978  
adopted under this chapter. 26979

For permits to install issued three or more years after ~~the~~ 26980  
~~effective date of this amendment~~ August 3, 2006, any new or 26981  
modified air contaminant source that has the potential to emit, 26982  
taking into account air pollution controls installed on the 26983  
source, ten or more tons per year of volatile organic compounds or 26984  
nitrogen oxides shall meet, at a minimum, the requirements of any 26985  
applicable reasonably available control technology rule in effect 26986  
as of January 1, 2006, regardless of the location of the source. 26987

(U) Consistent with section 507 of the federal Clean Air Act, 26988  
adopt, modify, suspend, and rescind rules for the establishment of 26989  
a small business stationary source technical and environmental 26990  
compliance assistance program as provided in section 3704.18 of 26991  
the Revised Code; 26992

(V) Provide for emissions trading, marketable permits, 26993  
auctions of emission rights, and economic incentives that would 26994  
reduce the cost or increase the efficiency of achieving a 26995  
specified level of environmental protection; 26996

(W) Provide for the construction of an air contaminant source 26997  
prior to obtaining a permit to install pursuant to division (F) of 26998  
this section if the applicant demonstrates that the source will be 26999  
installed to comply with all applicable emission limits and will 27000  
not adversely affect public health or safety or the environment 27001  
and if the director determines that such an action will avoid an 27002  
unreasonable hardship on the owner or operator of the source. Any 27003  
such determination shall be consistent with the federal Clean Air 27004  
Act. 27005

(X) Exercise all incidental powers, including adoption of 27006  
rules, required to carry out this chapter. 27007

The environmental protection agency shall develop a plan to 27008  
control air pollution resulting from state-operated facilities and 27009  
property. 27010

**Sec. 3704.14.** (A) The director of environmental protection 27011  
shall continue to implement an enhanced motor vehicle inspection 27012  
and maintenance program for a period of two years beginning on 27013  
January 1, ~~2006~~ 2008, and ending on December 31, ~~2007~~ 2009, in 27014  
counties in which a motor vehicle inspection and maintenance 27015  
program is federally mandated. The program shall be substantially 27016  
similar to the enhanced program implemented in those counties 27017  
under a contract that is scheduled to expire on December 31, ~~2005~~ 27018

2007. The program, at a minimum, shall do all of the following: 27019

(1) Comply with the federal Clean Air Act; 27020

(2) Provide for the extension of a contract for a period of 27021  
two years, beginning on January 1, ~~2006~~ 2008, and ending on 27022  
December 31, ~~2007~~ 2009, with the contractor who conducted the 27023  
enhanced motor vehicle inspection and maintenance program in those 27024  
~~federally mandated~~ counties where the program was in operation on 27025  
January 3, 2006, pursuant to a contract entered into ~~under former~~ 27026  
~~section 3704.14 of the Revised Code as that section existed prior~~ 27027  
~~to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th~~ 27028  
~~General Assembly with the state;~~ 27029

(3) Provide for the issuance of inspection certificates; 27030

(4) Provide for a new car exemption for motor vehicles four 27031  
years old or newer and provide that a new motor vehicle is exempt 27032  
for four years regardless of whether legal title to the motor 27033  
vehicle is transferred during that period. 27034

~~(B) The director shall not implement a motor vehicle 27035  
inspection and maintenance program in any county other than a 27036  
county in which a motor vehicle inspection and maintenance program 27037  
is federally mandated. 27038~~

~~(C)~~ The director shall adopt rules in accordance with Chapter 27039  
119. of the Revised Code that the director determines are 27040  
necessary to implement this section. The director may continue to 27041  
implement and enforce rules pertaining to the enhanced motor 27042  
vehicle inspection and maintenance program previously implemented 27043  
under former section 3704.14 of the Revised Code as that section 27044  
existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of 27045  
the 126th general assembly, provided that the rules do not 27046  
conflict with this section. 27047

~~(D)~~(C) There is hereby created in the state treasury the 27048  
motor vehicle inspection and maintenance fund, which shall consist 27049

of money received by the director from any fees for inspections 27050  
that are established in rules adopted under this section. The 27051  
director shall use money in the fund solely for the 27052  
implementation, supervision, administration, operation, and 27053  
enforcement of the enhanced motor vehicle inspection and 27054  
maintenance program established under this section. 27055

~~(E)~~(D) The enhanced motor vehicle inspection and maintenance 27056  
program established under this section expires on December 31, 27057  
~~2007~~ 2009, and shall not be continued beyond that date unless 27058  
otherwise federally mandated. 27059

(E) Notwithstanding divisions (A) to (D) of this section, the 27060  
director shall not implement an enhanced motor vehicle inspection 27061  
and maintenance program and no such program shall be operated in 27062  
an area of the state where such a program was not in operation on 27063  
January 3, 2006, pursuant to a contract entered into by this state 27064  
unless both of following apply: 27065

(1) The program is required in the approved state 27066  
implementation plan; and 27067

(2) After January 3, 2006, the United States environmental 27068  
protection agency has expressly notified the director in writing 27069  
that the failure to operate the program in a specific area will 27070  
result in the imposition of sanctions under the federal Clean Air 27071  
Act. 27072

**Sec. 3705.24.** (A)(1) The public health council shall, in 27073  
accordance with section 111.15 of the Revised Code, adopt rules 27074  
prescribing fees for the following services provided by the state 27075  
office of vital statistics: 27076

(a) Except as provided in division (A)(4) of this section: 27077

(i) A certified copy of a vital record or a certification of 27078  
birth; 27079

(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; 27080  
27081  
27082

(iii) A copy of a record provided pursuant to a request; 27083

(b) Replacement of a birth certificate following an adoption, legitimation, paternity determination or acknowledgement, or court order; 27084  
27085  
27086

(c) Filing of a delayed registration of a vital record; 27087

(d) Amendment of a vital record that is requested later than one year after the filing date of the vital record; 27088  
27089

(e) Any other documents or services for which the public health council considers the charging of a fee appropriate. 27090  
27091

(2) Fees prescribed under division (A)(1)(a) of this section shall not be less than seven dollars. 27092  
27093

(3) Fees prescribed under division (A)(1) of this section shall be collected in addition to any fees required by sections 3109.14 and 3705.242 of the Revised Code. 27094  
27095  
27096

(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. 27097  
27098  
27099  
27100

(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 shall be deposited in the general operations fund created under section 3701.83 of the Revised Code and be used ~~solely toward to~~ support the operations, the modernization, and the automation of the ~~system of~~ vital records program in this state. A board of 27101  
27102  
27103  
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27109

health shall forward all fees collected under this division to the 27110  
department of health not later than thirty days after the end of 27111  
each calendar quarter. 27112

(C) Except as otherwise provided in division (H) of this 27113  
section, and except as provided in section 3705.241 of the Revised 27114  
Code, fees collected by the director of health under sections 27115  
3705.01 to 3705.29 of the Revised Code shall be paid into the 27116  
state treasury to the credit of the general operations fund 27117  
created by section 3701.83 of the Revised Code. Except as provided 27118  
in division (B) of this section, money generated by the fees shall 27119  
be used only for administration and enforcement of this chapter 27120  
and the rules adopted under it. Amounts submitted to the 27121  
department of health for copies of vital records or services in 27122  
excess of the fees imposed by this section shall be dealt with as 27123  
follows: 27124

(1) An overpayment of two dollars or less shall be retained 27125  
by the department and deposited in the state treasury to the 27126  
credit of the general operations fund created by section 3701.83 27127  
of the Revised Code. 27128

(2) An overpayment in excess of two dollars shall be returned 27129  
to the person who made the overpayment. 27130

(D) If a local registrar is a salaried employee of a city or 27131  
a general health district, any fees the local registrar receives 27132  
pursuant to section 3705.23 of the Revised Code shall be paid into 27133  
the general fund of the city or the health fund of the general 27134  
health district. 27135

Each local registrar of vital statistics, or each health 27136  
district where the local registrar is a salaried employee of the 27137  
district, shall be entitled to a fee for each birth, fetal death, 27138  
death, or military service certificate properly and completely 27139  
made out and registered with the local registrar or district and 27140

correctly copied and forwarded to the office of vital statistics 27141  
in accordance with the population of the primary registration 27142  
district at the last federal census. The fee for each birth, fetal 27143  
death, death, or military service certificate shall be: 27144

(1) In primary registration districts of over two hundred 27145  
fifty thousand, twenty cents; 27146

(2) In primary registration districts of over one hundred 27147  
twenty-five thousand and less than two hundred fifty thousand, 27148  
sixty cents; 27149

(3) In primary registration districts of over fifty thousand 27150  
and less than one hundred twenty-five thousand, eighty cents; 27151

(4) In primary registration districts of less than fifty 27152  
thousand, one dollar. 27153

(E) The director of health shall annually certify to the 27154  
county treasurers of the several counties the number of birth, 27155  
fetal death, death, and military service certificates registered 27156  
from their respective counties with the names of the local 27157  
registrars and the amounts due each registrar and health district 27158  
at the rates fixed in this section. Such amounts shall be paid by 27159  
the treasurer of the county in which the registration districts 27160  
are located. No fees shall be charged or collected by registrars 27161  
except as provided by this chapter and section 3109.14 of the 27162  
Revised Code. 27163

(F) A probate judge shall be paid a fee of fifteen cents for 27164  
each certified abstract of marriage prepared and forwarded by the 27165  
probate judge to the department of health pursuant to section 27166  
3705.21 of the Revised Code. The fee shall be in addition to the 27167  
fee paid for a marriage license and shall be paid by the 27168  
applicants for the license. 27169

(G) The clerk of a court of common pleas shall be paid a fee 27170  
of one dollar for each certificate of divorce, dissolution, and 27171

annulment of marriage prepared and forwarded by the clerk to the 27172  
department pursuant to section 3705.21 of the Revised Code. The 27173  
fee for the certified abstract of divorce, dissolution, or 27174  
annulment of marriage shall be added to the court costs allowed in 27175  
these cases. 27176

(H) The fee for an heirloom certification of birth issued 27177  
pursuant to division (B)(2) of section 3705.23 of the Revised Code 27178  
shall be an amount prescribed by rule by the director of health 27179  
plus any fee required by section 3109.14 of the Revised Code. In 27180  
setting the amount of the fee, the director shall establish a 27181  
surcharge in addition to an amount necessary to offset the expense 27182  
of processing heirloom certifications of birth. The fee prescribed 27183  
by the director of health pursuant to this division shall be 27184  
deposited into the state treasury to the credit of the heirloom 27185  
certification of birth fund which is hereby created. Money 27186  
credited to the fund shall be used by the office of vital 27187  
statistics to offset the expense of processing heirloom 27188  
certifications of birth. However, the money collected for the 27189  
surcharge, subject to the approval of the controlling board, shall 27190  
be used for the purposes specified by the family and children 27191  
first council pursuant to section 121.37 of the Revised Code. 27192

**Sec. 3709.09.** (A) The board of health of a city or general 27193  
health district may, by rule, establish a uniform system of fees 27194  
to pay the costs of any services provided by the board. 27195

The fee for issuance of a certified copy of a vital record or 27196  
a certification of birth shall not be less than the fee prescribed 27197  
for the same service under division (A)(1) of section 3705.24 of 27198  
the Revised Code and shall include the fees required by division 27199  
(B) of section 3705.24 and section 3109.14 of the Revised Code. 27200

Fees for services provided by the board for purposes 27201  
specified in sections 3701.344, 3711.05, ~~3718.06~~, 3729.07, 27202

3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code shall 27203  
be established in accordance with rules adopted under division (B) 27204  
of this section. The district advisory council, in the case of a 27205  
general health district, and the legislative authority of the 27206  
city, in the case of a city health district, may disapprove any 27207  
fee established by the board of health under this division, and 27208  
any such fee, as disapproved, shall not be charged by the board of 27209  
health. 27210

(B) The public health council shall adopt rules under section 27211  
111.15 of the Revised Code that establish fee categories and 27212  
uniform methodologies for use in calculating the costs of services 27213  
provided for purposes specified in sections 3701.344, 3711.05, 27214  
~~3718.06~~, 3729.07, 3730.03, 3733.04, 3733.25, and 3749.04 of the 27215  
Revised Code. In adopting the rules, the public health council 27216  
shall consider recommendations it receives from advisory boards 27217  
established either by statute or the director of health for 27218  
entities subject to the fees. 27219

(C) At least thirty days prior to establishing a fee for a 27220  
service provided by the board for a purpose specified in section 27221  
3701.344, 3711.05, ~~3718.06~~, 3729.07, 3730.03, 3733.04, 3733.25, or 27222  
3749.04 of the Revised Code, a board of health shall notify any 27223  
entity that would be affected by the proposed fee of the amount of 27224  
the proposed fee. 27225

**Sec. 3709.091.** (A) As used in this section: 27226

(1) "Household sewage ~~treatment~~ disposal system" means any 27227  
sewage disposal or treatment system, or part of such a system, for 27228  
a single-family, two-family, or three-family dwelling that 27229  
receives sewage. 27230

(2) "Sewage" means any liquid waste containing animal or 27231  
vegetable matter in suspension or solution that originates from 27232  
~~humans and human activities. "Sewage" includes liquids containing~~ 27233

~~household chemicals in solution commonly discharged from a 27234  
residence or from commercial, institutional, or other similar 27235  
facilities. 27236~~

~~(3) "Small flow on site sewage treatment system" means a 27237  
system, other than a household sewage treatment system, that 27238  
treats not more than one thousand gallons of sewage per day and 27239  
that does not require a national pollutant discharge elimination 27240  
system permit issued under section 6111.03 of the Revised Code or 27241  
an injection well drilling or operating permit issued under 27242  
section 6111.043 of the Revised Code water closets, urinals, 27243  
lavatories, bathtubs, laundry tubs or devices, floor drains, 27244  
drinking fountains, or other sanitary fixtures and may include 27245  
liquid containing chemicals in solution. 27246~~

(B) If any owner, leaseholder, or assignee of real property 27247  
fails to pay a fee as required by rule of a board of health of a 27248  
city or general health district pursuant to section 3709.09 of the 27249  
Revised Code for an operation permit for, or for inspection of, a 27250  
household sewage treatment disposal system ~~or a small flow on site~~ 27251  
~~sewage treatment system~~ located on the real property, the health 27252  
commissioner of the city or general health district or the 27253  
commissioner's designated representative shall notify the owner, 27254  
leaseholder, or assignee of the real property of the amount of the 27255  
fee and any accrued penalties for late payment of the fee. The 27256  
notice shall state, in boldface letters: "You have 30 days to 27257  
object to the amount of the unpaid operation permit or inspection 27258  
fee for your household sewage treatment disposal system ~~or small~~ 27259  
~~flow on site sewage treatment system, as applicable,~~ as designated 27260  
in this notice, which may include accrued penalties for late 27261  
payment of the fee. If you do not pay this amount as instructed 27262  
herein within 30 days of receipt of this notice or object to this 27263  
amount during that time period in accordance with the procedures 27264  
set forth herein, the amount will be placed as a lien on your real 27265

property." The notice also shall explain how the owner, 27266  
leaseholder, or assignee may pay the amount, or object to the 27267  
amount in accordance with the procedures established by divisions 27268  
(C) and (D) of this section. 27269

Notice to the owner, leaseholder, or assignee shall be made 27270  
by either of the following: 27271

(1) Certified mail, overnight delivery service, hand 27272  
delivery, or any other method that includes written evidence of 27273  
receipt; 27274

(2) The sheriff of the county in which the owner, 27275  
leaseholder, or assignee to be served resides, in one or more of 27276  
the methods provided in the Ohio Rules of Civil Procedure. The 27277  
sheriff may charge reasonable fees for that service. 27278

(C) Not later than thirty days after receipt under division 27279  
(B) of this section of notification of the amount of an unpaid 27280  
operation permit or inspection fee and any accrued late payment 27281  
penalties, the owner, leaseholder, or assignee may object to the 27282  
amount by delivering a written notice of objection to the health 27283  
commissioner by any of the means provided for in division (B)(1) 27284  
of this section. Not later than sixty days after receipt of the 27285  
notice of objection, the county prosecutor, on behalf of the city 27286  
or general health district, may file a civil action in the court 27287  
of common pleas against the owner, leaseholder, or assignee. If 27288  
the county prosecutor fails to commence suit within the sixty-day 27289  
period, or if the action is commenced, but dismissed with 27290  
prejudice before adjudication, the unpaid fee and any accrued late 27291  
payment penalties are void and cannot be placed on the general tax 27292  
list and duplicate as a lien against the real property. 27293

(D) If, in accordance with division (C) of this section, the 27294  
owner, leaseholder, or assignee objects to the amount of the 27295  
unpaid operation permit or inspection fee and any accrued late 27296

payment penalties and the county prosecutor commences suit and 27297  
prevails in the action, the owner, leaseholder, or assignee 27298  
objecting shall pay the amount of the fee, any accrued late 27299  
payment penalties, and the costs of the action, as determined by 27300  
the court. 27301

(E) If the owner, leaseholder, or assignee on which the 27302  
notice required by division (B) of this section was served does 27303  
not pay to the city or general health district the amount of an 27304  
unpaid operation permit or inspection fee and any accrued late 27305  
payment penalties within thirty days after receipt of the notice, 27306  
or does not object to the amount in the manner provided in 27307  
division (C) of this section, the health commissioner of the city 27308  
or general health district or the commissioner's designated 27309  
representative may certify, on or before the first Monday of 27310  
September, the amount of the unpaid fee and any accrued late 27311  
payment penalties to the county auditor to be placed on the 27312  
general tax list and duplicate as provided in section 319.281 of 27313  
the Revised Code. 27314

**Sec. 3721.51.** The department of job and family services shall 27315  
do all of the following: 27316

(A) Subject to division (C) of this section and for the 27317  
purposes specified in sections 3721.56 and 3721.561 of the Revised 27318  
Code, determine an annual franchise permit fee on each nursing 27319  
home in an amount equal to six dollars and twenty-five cents ~~for~~ 27320  
~~fiscal years 2006 and 2007 and one dollar for each fiscal year~~ 27321  
~~thereafter~~, multiplied by the product of the following: 27322

(1) The number of beds licensed as nursing home beds, plus 27323  
any other beds certified as skilled nursing facility beds under 27324  
Title XVIII or nursing facility beds under Title XIX on the first 27325  
day of May of the calendar year in which the fee is determined 27326  
pursuant to division (A) of section 3721.53 of the Revised Code; 27327

(2) The number of days in the fiscal year beginning on the 27328  
first day of July of the calendar year in which the fee is 27329  
determined pursuant to division (A) of section 3721.53 of the 27330  
Revised Code. 27331

(B) Subject to division (C) of this section and for the 27332  
purposes specified in sections 3721.56 and 3721.561 of the Revised 27333  
Code, determine an annual franchise permit fee on each hospital in 27334  
an amount equal to six dollars and twenty-five cents ~~for fiscal~~ 27335  
~~years 2006 and 2007 and one dollar for each fiscal year~~ 27336  
~~thereafter~~, multiplied by the product of the following: 27337

(1) The number of beds registered pursuant to section 3701.07 27338  
of the Revised Code as skilled nursing facility beds or long-term 27339  
care beds, plus any other beds licensed as nursing home beds under 27340  
section 3721.02 or 3721.09 of the Revised Code, on the first day 27341  
of May of the calendar year in which the fee is determined 27342  
pursuant to division (A) of section 3721.53 of the Revised Code; 27343

(2) The number of days in the fiscal year beginning on the 27344  
first day of July of the calendar year in which the fee is 27345  
determined pursuant to division (A) of section 3721.53 of the 27346  
Revised Code. 27347

(C) If the United States centers for medicare and medicaid 27348  
services determines that the franchise permit fee established by 27349  
sections 3721.50 to 3721.58 of the Revised Code is an 27350  
impermissible health care related tax under section 1903(w) of the 27351  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 27352  
amended, take all necessary actions to cease implementation of 27353  
sections 3721.50 to 3721.58 of the Revised Code in accordance with 27354  
rules adopted under section 3721.58 of the Revised Code. 27355

**Sec. 3721.541.** (A) In addition to assessing a penalty 27356  
pursuant to section 3721.54 of the Revised Code, the department of 27357  
job and family services may do either or both of the following if 27358

a nursing facility or hospital fails to pay the full amount of a franchise permit fee installment when due:

(1) ~~Withheld~~ Offset an amount less than or equal to the installment and penalty assessed under section 3721.54 of the Revised Code from a medicaid payment due the nursing facility or hospital ~~until the nursing facility or hospital pays the installment and penalty;~~

(2) Terminate the nursing facility or hospital's medicaid provider agreement.

(B) The department may ~~withheld~~ offset a medicaid payment under division (A)(1) of this section without providing notice to the nursing facility or hospital and without conducting an adjudication under Chapter 119. of the Revised Code.

**Sec. 3721.56.** There is hereby created in the state treasury the home- and community-based services for the aged fund. Sixteen per cent of all payments and penalties paid by nursing homes and hospitals under sections 3721.53 and 3721.54 of the Revised Code ~~for fiscal years 2006 and 2007, and all such payments and penalties paid for subsequent fiscal years,~~ shall be deposited into the fund. The departments of job and family services and aging shall use the moneys in the fund to fund the following in accordance with rules adopted under section 3721.58 of the Revised Code:

(A) The medicaid program established under Chapter 5111. of the Revised Code, including the PASSPORT program established under section 173.40 of the Revised Code;

(B) The residential state supplement program established under section 173.35 of the Revised Code.

**Sec. 3734.57.** (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state:

(1) One dollar per ton on and after July 1, 2003, through 27389  
June 30, ~~2008~~ 2010, one-half of the proceeds of which shall be 27390  
deposited in the state treasury to the credit of the hazardous 27391  
waste facility management fund created in section 3734.18 of the 27392  
Revised Code and one-half of the proceeds of which shall be 27393  
deposited in the state treasury to the credit of the hazardous 27394  
waste clean-up fund created in section 3734.28 of the Revised 27395  
Code; 27396

(2) An additional one dollar per ton on and after July 1, 27397  
2003, through June 30, ~~2008~~ 2010, the proceeds of which shall be 27398  
deposited in the state treasury to the credit of the solid waste 27399  
fund, which is hereby created. The environmental protection agency 27400  
shall use money in the solid waste fund to pay the costs of 27401  
administering and enforcing the laws pertaining to solid wastes, 27402  
infectious wastes, and construction and demolition debris, 27403  
including, without limitation, ground water evaluations related to 27404  
solid wastes, infectious wastes, and construction and demolition 27405  
debris, under this chapter and Chapter 3714. of the Revised Code 27406  
and any rules adopted under them, providing compliance assistance 27407  
to small businesses, and paying a share of the administrative 27408  
costs of the environmental protection agency pursuant to section 27409  
3745.014 of the Revised Code. 27410

(3) An additional one dollar and fifty cents per ton on and 27411  
after July 1, 2005, through June 30, ~~2008~~ 2010, the proceeds of 27412  
which shall be deposited in the state treasury to the credit of 27413  
the environmental protection fund created in section 3745.015 of 27414  
the Revised Code. 27415

In the case of solid wastes that are taken to a solid waste 27416  
transfer facility located in this state prior to being transported 27417  
for disposal at a solid waste disposal facility located in this 27418  
state or outside of this state, the fees levied under this 27419  
division shall be collected by the owner or operator of the 27420

transfer facility as a trustee for the state. The amount of fees 27421  
required to be collected under this division at such a transfer 27422  
facility shall equal the total tonnage of solid wastes received at 27423  
the facility multiplied by the fees levied under this division. In 27424  
the case of solid wastes that are not taken to a solid waste 27425  
transfer facility located in this state prior to being transported 27426  
to a solid waste disposal facility, the fees shall be collected by 27427  
the owner or operator of the solid waste disposal facility as a 27428  
trustee for the state. The amount of fees required to be collected 27429  
under this division at such a disposal facility shall equal the 27430  
total tonnage of solid wastes received at the facility that was 27431  
not previously taken to a solid waste transfer facility located in 27432  
this state multiplied by the fees levied under this division. Fees 27433  
levied under this division do not apply to materials separated 27434  
from a mixed waste stream for recycling by a generator or 27435  
materials removed from the solid waste stream through recycling, 27436  
as "recycling" is defined in rules adopted under section 3734.02 27437  
of the Revised Code. 27438

The owner or operator of a solid waste transfer facility or 27439  
disposal facility, as applicable, shall prepare and file with the 27440  
director of environmental protection each month a return 27441  
indicating the total tonnage of solid wastes received at the 27442  
facility during that month and the total amount of the fees 27443  
required to be collected under this division during that month. In 27444  
addition, the owner or operator of a solid waste disposal facility 27445  
shall indicate on the return the total tonnage of solid wastes 27446  
received from transfer facilities located in this state during 27447  
that month for which the fees were required to be collected by the 27448  
transfer facilities. The monthly returns shall be filed on a form 27449  
prescribed by the director. Not later than thirty days after the 27450  
last day of the month to which a return applies, the owner or 27451  
operator shall mail to the director the return for that month 27452  
together with the fees required to be collected under this 27453

division during that month as indicated on the return. If the 27454  
return is filed and the amount of the fees due is paid in a timely 27455  
manner as required in this division, the owner or operator may 27456  
retain a discount of three-fourths of one per cent of the total 27457  
amount of the fees that are required to be paid as indicated on 27458  
the return. 27459

The owner or operator may request an extension of not more 27460  
than thirty days for filing the return and remitting the fees, 27461  
provided that the owner or operator has submitted such a request 27462  
in writing to the director together with a detailed description of 27463  
why the extension is requested, the director has received the 27464  
request not later than the day on which the return is required to 27465  
be filed, and the director has approved the request. If the fees 27466  
are not remitted within thirty days after the last day of the 27467  
month to which the return applies or are not remitted by the last 27468  
day of an extension approved by the director, the owner or 27469  
operator shall not retain the three-fourths of one per cent 27470  
discount and shall pay an additional ten per cent of the amount of 27471  
the fees for each month that they are late. For purposes of 27472  
calculating the late fee, the first month in which fees are late 27473  
begins on the first day after the deadline has passed for timely 27474  
submitting the return and fees, and one additional month shall be 27475  
counted every thirty days thereafter. 27476

The owner or operator of a solid waste facility may request a 27477  
refund or credit of fees levied under this division and remitted 27478  
to the director that have not been paid to the owner or operator. 27479  
Such a request shall be made only if the fees have not been 27480  
collected by the owner or operator, have become a debt that has 27481  
become worthless or uncollectable for a period of six months or 27482  
more, and may be claimed as a deduction, including a deduction 27483  
claimed if the owner or operator keeps accounts on an accrual 27484  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 27485

U.S.C. 166, as amended, and regulations adopted under it. Prior to 27486  
making a request for a refund or credit, an owner or operator 27487  
shall make reasonable efforts to collect the applicable fees. A 27488  
request for a refund or credit shall not include any costs 27489  
resulting from those efforts to collect unpaid fees. 27490

A request for a refund or credit of fees shall be made in 27491  
writing, on a form prescribed by the director, and shall be 27492  
supported by evidence that may be required in rules adopted by the 27493  
director under this chapter. After reviewing the request, and if 27494  
the request and evidence submitted with the request indicate that 27495  
a refund or credit is warranted, the director shall grant a refund 27496  
to the owner or operator or shall permit a credit to be taken by 27497  
the owner or operator on a subsequent monthly return submitted by 27498  
the owner or operator. The amount of a refund or credit shall not 27499  
exceed an amount that is equal to ninety days' worth of fees owed 27500  
to an owner or operator by a particular debtor of the owner or 27501  
operator. A refund or credit shall not be granted by the director 27502  
to an owner or operator more than once in any twelve-month period 27503  
for fees owed to the owner or operator by a particular debtor. 27504

If, after receiving a refund or credit from the director, an 27505  
owner or operator receives payment of all or part of the fees, the 27506  
owner or operator shall remit the fees with the next monthly 27507  
return submitted to the director together with a written 27508  
explanation of the reason for the submittal. 27509

For purposes of computing the fees levied under this division 27510  
or division (B) of this section, any solid waste transfer or 27511  
disposal facility that does not use scales as a means of 27512  
determining gate receipts shall use a conversion factor of three 27513  
cubic yards per ton of solid waste or one cubic yard per ton for 27514  
baled waste, as applicable. 27515

The fees levied under this division and divisions (B) and (C) 27516  
of this section are in addition to all other applicable fees and 27517

taxes and shall be paid by the customer or a political subdivision 27518  
to the owner or operator of a solid waste transfer or disposal 27519  
facility notwithstanding the existence of any provision in a 27520  
contract that the customer or a political subdivision may have 27521  
with the owner or operator or with a transporter of waste to the 27522  
facility that would not require or allow such payment. 27523

(B) For the purposes specified in division (G) of this 27524  
section, the solid waste management policy committee of a county 27525  
or joint solid waste management district may levy fees upon the 27526  
following activities: 27527

(1) The disposal at a solid waste disposal facility located 27528  
in the district of solid wastes generated within the district; 27529

(2) The disposal at a solid waste disposal facility within 27530  
the district of solid wastes generated outside the boundaries of 27531  
the district, but inside this state; 27532

(3) The disposal at a solid waste disposal facility within 27533  
the district of solid wastes generated outside the boundaries of 27534  
this state. 27535

The solid waste management plan of the county or joint 27536  
district approved under section 3734.521 or 3734.55 of the Revised 27537  
Code and any amendments to it, or the resolution adopted under 27538  
this division, as appropriate, shall establish the rates of the 27539  
fees levied under divisions (B)(1), (2), and (3) of this section, 27540  
if any, and shall specify whether the fees are levied on the basis 27541  
of tons or cubic yards as the unit of measurement. A solid waste 27542  
management district that levies fees under this division on the 27543  
basis of cubic yards shall do so in accordance with division (A) 27544  
of this section. 27545

The fee levied under division (B)(1) of this section shall be 27546  
not less than one dollar per ton nor more than two dollars per 27547  
ton, the fee levied under division (B)(2) of this section shall be 27548

not less than two dollars per ton nor more than four dollars per 27549  
ton, and the fee levied under division (B)(3) of this section 27550  
shall be not more than the fee levied under division (B)(1) of 27551  
this section. 27552

Prior to the approval of the solid waste management plan of a 27553  
district under section 3734.55 of the Revised Code, the solid 27554  
waste management policy committee of a district may levy fees 27555  
under this division by adopting a resolution establishing the 27556  
proposed amount of the fees. Upon adopting the resolution, the 27557  
committee shall deliver a copy of the resolution to the board of 27558  
county commissioners of each county forming the district and to 27559  
the legislative authority of each municipal corporation and 27560  
township under the jurisdiction of the district and shall prepare 27561  
and publish the resolution and a notice of the time and location 27562  
where a public hearing on the fees will be held. Upon adopting the 27563  
resolution, the committee shall deliver written notice of the 27564  
adoption of the resolution; of the amount of the proposed fees; 27565  
and of the date, time, and location of the public hearing to the 27566  
director and to the fifty industrial, commercial, or institutional 27567  
generators of solid wastes within the district that generate the 27568  
largest quantities of solid wastes, as determined by the 27569  
committee, and to their local trade associations. The committee 27570  
shall make good faith efforts to identify those generators within 27571  
the district and their local trade associations, but the 27572  
nonprovision of notice under this division to a particular 27573  
generator or local trade association does not invalidate the 27574  
proceedings under this division. The publication shall occur at 27575  
least thirty days before the hearing. After the hearing, the 27576  
committee may make such revisions to the proposed fees as it 27577  
considers appropriate and thereafter, by resolution, shall adopt 27578  
the revised fee schedule. Upon adopting the revised fee schedule, 27579  
the committee shall deliver a copy of the resolution doing so to 27580  
the board of county commissioners of each county forming the 27581

district and to the legislative authority of each municipal 27582  
corporation and township under the jurisdiction of the district. 27583  
Within sixty days after the delivery of a copy of the resolution 27584  
adopting the proposed revised fees by the policy committee, each 27585  
such board and legislative authority, by ordinance or resolution, 27586  
shall approve or disapprove the revised fees and deliver a copy of 27587  
the ordinance or resolution to the committee. If any such board or 27588  
legislative authority fails to adopt and deliver to the policy 27589  
committee an ordinance or resolution approving or disapproving the 27590  
revised fees within sixty days after the policy committee 27591  
delivered its resolution adopting the proposed revised fees, it 27592  
shall be conclusively presumed that the board or legislative 27593  
authority has approved the proposed revised fees. The committee 27594  
shall determine if the resolution has been ratified in the same 27595  
manner in which it determines if a draft solid waste management 27596  
plan has been ratified under division (B) of section 3734.55 of 27597  
the Revised Code. 27598

The committee may amend the schedule of fees levied pursuant 27599  
to a resolution adopted and ratified under this division by 27600  
adopting a resolution establishing the proposed amount of the 27601  
amended fees. The committee may repeal the fees levied pursuant to 27602  
such a resolution by adopting a resolution proposing to repeal 27603  
them. Upon adopting such a resolution, the committee shall proceed 27604  
to obtain ratification of the resolution in accordance with this 27605  
division. 27606

Not later than fourteen days after declaring the new fees to 27607  
be ratified or the fees to be repealed under this division, the 27608  
committee shall notify by certified mail the owner or operator of 27609  
each solid waste disposal facility that is required to collect the 27610  
fees of the ratification and the amount of the fees or of the 27611  
repeal of the fees. Collection of any fees shall commence or 27612  
collection of repealed fees shall cease on the first day of the 27613

second month following the month in which notification is sent to 27614  
the owner or operator. 27615

Fees levied under this division also may be established, 27616  
amended, or repealed by a solid waste management policy committee 27617  
through the adoption of a new district solid waste management 27618  
plan, the adoption of an amended plan, or the amendment of the 27619  
plan or amended plan in accordance with sections 3734.55 and 27620  
3734.56 of the Revised Code or the adoption or amendment of a 27621  
district plan in connection with a change in district composition 27622  
under section 3734.521 of the Revised Code. 27623

Not later than fourteen days after the director issues an 27624  
order approving a district's solid waste management plan, amended 27625  
plan, or amendment to a plan or amended plan that establishes, 27626  
amends, or repeals a schedule of fees levied by the district, the 27627  
committee shall notify by certified mail the owner or operator of 27628  
each solid waste disposal facility that is required to collect the 27629  
fees of the approval of the plan or amended plan, or the amendment 27630  
to the plan, as appropriate, and the amount of the fees, if any. 27631  
In the case of an initial or amended plan approved under section 27632  
3734.521 of the Revised Code in connection with a change in 27633  
district composition, other than one involving the withdrawal of a 27634  
county from a joint district, the committee, within fourteen days 27635  
after the change takes effect pursuant to division (G) of that 27636  
section, shall notify by certified mail the owner or operator of 27637  
each solid waste disposal facility that is required to collect the 27638  
fees that the change has taken effect and of the amount of the 27639  
fees, if any. Collection of any fees shall commence or collection 27640  
of repealed fees shall cease on the first day of the second month 27641  
following the month in which notification is sent to the owner or 27642  
operator. 27643

If, in the case of a change in district composition involving 27644  
the withdrawal of a county from a joint district, the director 27645

completes the actions required under division (G)(1) or (3) of 27646  
section 3734.521 of the Revised Code, as appropriate, forty-five 27647  
days or more before the beginning of a calendar year, the policy 27648  
committee of each of the districts resulting from the change that 27649  
obtained the director's approval of an initial or amended plan in 27650  
connection with the change, within fourteen days after the 27651  
director's completion of the required actions, shall notify by 27652  
certified mail the owner or operator of each solid waste disposal 27653  
facility that is required to collect the district's fees that the 27654  
change is to take effect on the first day of January immediately 27655  
following the issuance of the notice and of the amount of the fees 27656  
or amended fees levied under divisions (B)(1) to (3) of this 27657  
section pursuant to the district's initial or amended plan as so 27658  
approved or, if appropriate, the repeal of the district's fees by 27659  
that initial or amended plan. Collection of any fees set forth in 27660  
such a plan or amended plan shall commence on the first day of 27661  
January immediately following the issuance of the notice. If such 27662  
an initial or amended plan repeals a schedule of fees, collection 27663  
of the fees shall cease on that first day of January. 27664

If, in the case of a change in district composition involving 27665  
the withdrawal of a county from a joint district, the director 27666  
completes the actions required under division (G)(1) or (3) of 27667  
section 3734.521 of the Revised Code, as appropriate, less than 27668  
forty-five days before the beginning of a calendar year, the 27669  
director, on behalf of each of the districts resulting from the 27670  
change that obtained the director's approval of an initial or 27671  
amended plan in connection with the change proceedings, shall 27672  
notify by certified mail the owner or operator of each solid waste 27673  
disposal facility that is required to collect the district's fees 27674  
that the change is to take effect on the first day of January 27675  
immediately following the mailing of the notice and of the amount 27676  
of the fees or amended fees levied under divisions (B)(1) to (3) 27677  
of this section pursuant to the district's initial or amended plan 27678

as so approved or, if appropriate, the repeal of the district's 27679  
fees by that initial or amended plan. Collection of any fees set 27680  
forth in such a plan or amended plan shall commence on the first 27681  
day of the second month following the month in which notification 27682  
is sent to the owner or operator. If such an initial or amended 27683  
plan repeals a schedule of fees, collection of the fees shall 27684  
cease on the first day of the second month following the month in 27685  
which notification is sent to the owner or operator. 27686

If the schedule of fees that a solid waste management 27687  
district is levying under divisions (B)(1) to (3) of this section 27688  
is amended or repealed, the fees in effect immediately prior to 27689  
the amendment or repeal shall continue to be collected until 27690  
collection of the amended fees commences or collection of the 27691  
repealed fees ceases, as applicable, as specified in this 27692  
division. In the case of a change in district composition, money 27693  
so received from the collection of the fees of the former 27694  
districts shall be divided among the resulting districts in 27695  
accordance with division (B) of section 343.012 of the Revised 27696  
Code and the agreements entered into under division (B) of section 27697  
343.01 of the Revised Code to establish the former and resulting 27698  
districts and any amendments to those agreements. 27699

For the purposes of the provisions of division (B) of this 27700  
section establishing the times when newly established or amended 27701  
fees levied by a district are required to commence and the 27702  
collection of fees that have been amended or repealed is required 27703  
to cease, "fees" or "schedule of fees" includes, in addition to 27704  
fees levied under divisions (B)(1) to (3) of this section, those 27705  
levied under section 3734.573 or 3734.574 of the Revised Code. 27706

(C) For the purposes of defraying the added costs to a 27707  
municipal corporation or township of maintaining roads and other 27708  
public facilities and of providing emergency and other public 27709  
services, and compensating a municipal corporation or township for 27710

reductions in real property tax revenues due to reductions in real 27711  
property valuations resulting from the location and operation of a 27712  
solid waste disposal facility within the municipal corporation or 27713  
township, a municipal corporation or township in which such a 27714  
solid waste disposal facility is located may levy a fee of not 27715  
more than twenty-five cents per ton on the disposal of solid 27716  
wastes at a solid waste disposal facility located within the 27717  
boundaries of the municipal corporation or township regardless of 27718  
where the wastes were generated. 27719

The legislative authority of a municipal corporation or 27720  
township may levy fees under this division by enacting an 27721  
ordinance or adopting a resolution establishing the amount of the 27722  
fees. Upon so doing the legislative authority shall mail a 27723  
certified copy of the ordinance or resolution to the board of 27724  
county commissioners or directors of the county or joint solid 27725  
waste management district in which the municipal corporation or 27726  
township is located or, if a regional solid waste management 27727  
authority has been formed under section 343.011 of the Revised 27728  
Code, to the board of trustees of that regional authority, the 27729  
owner or operator of each solid waste disposal facility in the 27730  
municipal corporation or township that is required to collect the 27731  
fee by the ordinance or resolution, and the director of 27732  
environmental protection. Although the fees levied under this 27733  
division are levied on the basis of tons as the unit of 27734  
measurement, the legislative authority, in its ordinance or 27735  
resolution levying the fees under this division, may direct that 27736  
the fees be levied on the basis of cubic yards as the unit of 27737  
measurement based upon a conversion factor of three cubic yards 27738  
per ton generally or one cubic yard per ton for baled wastes. 27739

Not later than five days after enacting an ordinance or 27740  
adopting a resolution under this division, the legislative 27741  
authority shall so notify by certified mail the owner or operator 27742

of each solid waste disposal facility that is required to collect 27743  
the fee. Collection of any fee levied on or after March 24, 1992, 27744  
shall commence on the first day of the second month following the 27745  
month in which notification is sent to the owner or operator. 27746

(D)(1) The fees levied under divisions (A), (B), and (C) of 27747  
this section do not apply to the disposal of solid wastes that: 27748

(a) Are disposed of at a facility owned by the generator of 27749  
the wastes when the solid waste facility exclusively disposes of 27750  
solid wastes generated at one or more premises owned by the 27751  
generator regardless of whether the facility is located on a 27752  
premises where the wastes are generated; 27753

(b) Are disposed of at facilities that exclusively dispose of 27754  
wastes that are generated from the combustion of coal, or from the 27755  
combustion of primarily coal in combination with scrap tires, that 27756  
is not combined in any way with garbage at one or more premises 27757  
owned by the generator. 27758

(2) Except as provided in section 3734.571 of the Revised 27759  
Code, any fees levied under division (B)(1) of this section apply 27760  
to solid wastes originating outside the boundaries of a county or 27761  
joint district that are covered by an agreement for the joint use 27762  
of solid waste facilities entered into under section 343.02 of the 27763  
Revised Code by the board of county commissioners or board of 27764  
directors of the county or joint district where the wastes are 27765  
generated and disposed of. 27766

(3) When solid wastes, other than solid wastes that consist 27767  
of scrap tires, are burned in a disposal facility that is an 27768  
incinerator or energy recovery facility, the fees levied under 27769  
divisions (A), (B), and (C) of this section shall be levied upon 27770  
the disposal of the fly ash and bottom ash remaining after burning 27771  
of the solid wastes and shall be collected by the owner or 27772  
operator of the sanitary landfill where the ash is disposed of. 27773

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (B) and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the

administrator or regional administrator of the United States 27806  
environmental protection agency, the director of environmental 27807  
protection, or the director of administrative services on behalf 27808  
of the director of environmental protection for the purpose of 27809  
remediating conditions at a hazardous waste facility, solid waste 27810  
facility, or other location at which the administrator or regional 27811  
administrator or the director of environmental protection has 27812  
reason to believe that there is a substantial threat to public 27813  
health or safety or the environment or that the conditions are 27814  
causing or contributing to air or water pollution or soil 27815  
contamination. An order issued by the director of environmental 27816  
protection under division (D)(8) of this section shall include a 27817  
determination that the amount of the fees not received by a solid 27818  
waste management district as a result of the order will not 27819  
adversely impact the implementation and financing of the 27820  
district's approved solid waste management plan and any approved 27821  
amendments to the plan. Such an order is a final action of the 27822  
director of environmental protection. 27823

(E) The fees levied under divisions (B) and (C) of this 27824  
section shall be collected by the owner or operator of the solid 27825  
waste disposal facility where the wastes are disposed of as a 27826  
trustee for the county or joint district and municipal corporation 27827  
or township where the wastes are disposed of. Moneys from the fees 27828  
levied under division (B) of this section shall be forwarded to 27829  
the board of county commissioners or board of directors of the 27830  
district in accordance with rules adopted under division (H) of 27831  
this section. Moneys from the fees levied under division (C) of 27832  
this section shall be forwarded to the treasurer or such other 27833  
officer of the municipal corporation as, by virtue of the charter, 27834  
has the duties of the treasurer or to the fiscal officer of the 27835  
township, as appropriate, in accordance with those rules. 27836

(F) Moneys received by the treasurer or other officer of the 27837

municipal corporation under division (E) of this section shall be 27838  
paid into the general fund of the municipal corporation. Moneys 27839  
received by the fiscal officer of the township under that division 27840  
shall be paid into the general fund of the township. The treasurer 27841  
or other officer of the municipal corporation or the township 27842  
fiscal officer, as appropriate, shall maintain separate records of 27843  
the moneys received from the fees levied under division (C) of 27844  
this section. 27845

(G) Moneys received by the board of county commissioners or 27846  
board of directors under division (E) of this section or section 27847  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 27848  
shall be paid to the county treasurer, or other official acting in 27849  
a similar capacity under a county charter, in a county district or 27850  
to the county treasurer or other official designated by the board 27851  
of directors in a joint district and kept in a separate and 27852  
distinct fund to the credit of the district. If a regional solid 27853  
waste management authority has been formed under section 343.011 27854  
of the Revised Code, moneys received by the board of trustees of 27855  
that regional authority under division (E) of this section shall 27856  
be kept by the board in a separate and distinct fund to the credit 27857  
of the district. Moneys in the special fund of the county or joint 27858  
district arising from the fees levied under division (B) of this 27859  
section and the fee levied under division (A) of section 3734.573 27860  
of the Revised Code shall be expended by the board of county 27861  
commissioners or directors of the district in accordance with the 27862  
district's solid waste management plan or amended plan approved 27863  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 27864  
exclusively for the following purposes: 27865

(1) Preparation of the solid waste management plan of the 27866  
district under section 3734.54 of the Revised Code, monitoring 27867  
implementation of the plan, and conducting the periodic review and 27868  
amendment of the plan required by section 3734.56 of the Revised 27869

Code by the solid waste management policy committee;	27870
(2) Implementation of the approved solid waste management	27871
plan or amended plan of the district, including, without	27872
limitation, the development and implementation of solid waste	27873
recycling or reduction programs;	27874
(3) Providing financial assistance to boards of health within	27875
the district, if solid waste facilities are located within the	27876
district, for enforcement of this chapter and rules, orders, and	27877
terms and conditions of permits, licenses, and variances adopted	27878
or issued under it, other than the hazardous waste provisions of	27879
this chapter and rules adopted and orders and terms and conditions	27880
of permits issued under those provisions;	27881
(4) Providing financial assistance to each county within the	27882
district to defray the added costs of maintaining roads and other	27883
public facilities and of providing emergency and other public	27884
services resulting from the location and operation of a solid	27885
waste facility within the county under the district's approved	27886
solid waste management plan or amended plan;	27887
(5) Pursuant to contracts entered into with boards of health	27888
within the district, if solid waste facilities contained in the	27889
district's approved plan or amended plan are located within the	27890
district, for paying the costs incurred by those boards of health	27891
for collecting and analyzing samples from public or private water	27892
wells on lands adjacent to those facilities;	27893
(6) Developing and implementing a program for the inspection	27894
of solid wastes generated outside the boundaries of this state	27895
that are disposed of at solid waste facilities included in the	27896
district's approved solid waste management plan or amended plan;	27897
(7) Providing financial assistance to boards of health within	27898
the district for the enforcement of section 3734.03 of the Revised	27899
Code or to local law enforcement agencies having jurisdiction	27900

within the district for enforcing anti-littering laws and 27901  
ordinances; 27902

(8) Providing financial assistance to boards of health of 27903  
health districts within the district that are on the approved list 27904  
under section 3734.08 of the Revised Code to defray the costs to 27905  
the health districts for the participation of their employees 27906  
responsible for enforcement of the solid waste provisions of this 27907  
chapter and rules adopted and orders and terms and conditions of 27908  
permits, licenses, and variances issued under those provisions in 27909  
the training and certification program as required by rules 27910  
adopted under division (L) of section 3734.02 of the Revised Code; 27911

(9) Providing financial assistance to individual municipal 27912  
corporations and townships within the district to defray their 27913  
added costs of maintaining roads and other public facilities and 27914  
of providing emergency and other public services resulting from 27915  
the location and operation within their boundaries of a 27916  
composting, energy or resource recovery, incineration, or 27917  
recycling facility that either is owned by the district or is 27918  
furnishing solid waste management facility or recycling services 27919  
to the district pursuant to a contract or agreement with the board 27920  
of county commissioners or directors of the district; 27921

(10) Payment of any expenses that are agreed to, awarded, or 27922  
ordered to be paid under section 3734.35 of the Revised Code and 27923  
of any administrative costs incurred pursuant to that section. In 27924  
the case of a joint solid waste management district, if the board 27925  
of county commissioners of one of the counties in the district is 27926  
negotiating on behalf of affected communities, as defined in that 27927  
section, in that county, the board shall obtain the approval of 27928  
the board of directors of the district in order to expend moneys 27929  
for administrative costs incurred. 27930

Prior to the approval of the district's solid waste 27931  
management plan under section 3734.55 of the Revised Code, moneys 27932

in the special fund of the district arising from the fees shall be 27933  
expended for those purposes in the manner prescribed by the solid 27934  
waste management policy committee by resolution. 27935

Notwithstanding division (G)(6) of this section as it existed 27936  
prior to October 29, 1993, or any provision in a district's solid 27937  
waste management plan prepared in accordance with division 27938  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 27939  
prior to that date, any moneys arising from the fees levied under 27940  
division (B)(3) of this section prior to January 1, 1994, may be 27941  
expended for any of the purposes authorized in divisions (G)(1) to 27942  
(10) of this section. 27943

(H) The director shall adopt rules in accordance with Chapter 27944  
119. of the Revised Code prescribing procedures for collecting and 27945  
forwarding the fees levied under divisions (B) and (C) of this 27946  
section to the boards of county commissioners or directors of 27947  
county or joint solid waste management districts and to the 27948  
treasurers or other officers of municipal corporations and the 27949  
fiscal officers of townships. The rules also shall prescribe the 27950  
dates for forwarding the fees to the boards and officials and may 27951  
prescribe any other requirements the director considers necessary 27952  
or appropriate to implement and administer divisions (A), (B), and 27953  
(C) of this section. 27954

**Sec. 3735.672.** (A) On or before the thirty-first day of March 27955  
each year, a legislative authority that has entered into an 27956  
agreement with a party under section 3735.671 of the Revised Code 27957  
shall submit to the director of development and the board of 27958  
education of each school district of which a municipal corporation 27959  
or township to which such an agreement applies is a part a report 27960  
on all such agreements in effect during the preceding calendar 27961  
year. The report shall include the following information: 27962

(1) The designation, assigned by the director of development, 27963

of each community reinvestment area within the municipal 27964  
corporation or county, and the total population of each area 27965  
according to the most recent data available; 27966

(2) The number of agreements and the number of full-time 27967  
employees subject to those agreements within each area, each 27968  
according to the most recent data available and identified and 27969  
categorized by the appropriate standard industrial code, and the 27970  
rate of unemployment in the municipal corporation or county in 27971  
which the area is located for each year since the area was 27972  
certified; 27973

(3) The number of agreements approved and executed during the 27974  
calendar year for which the report is submitted, the total number 27975  
of agreements in effect on the thirty-first day of December of the 27976  
preceding calendar year, the number of agreements that expired 27977  
during the calendar year for which the report is submitted, and 27978  
the number of agreements scheduled to expire during the calendar 27979  
year in which the report is submitted. For each agreement that 27980  
expired during the calendar year for which the report is 27981  
submitted, the legislative authority shall include the amount of 27982  
taxes exempted under the agreement. 27983

(4) The number of agreements receiving compliance reviews by 27984  
the tax incentive review council in the municipal corporation or 27985  
county during the calendar year for which the report is submitted, 27986  
including all of the following information: 27987

(a) The number of agreements the terms of which the party has 27988  
complied with, indicating separately for each such agreement the 27989  
value of the real property exempted pursuant to the agreement and 27990  
a comparison of the stipulated and actual schedules for hiring new 27991  
employees, for retaining existing employees, and for the amount of 27992  
payroll of the party attributable to these employees; 27993

(b) The number of agreements the terms of which a party has 27994

failed to comply with, indicating separately for each such 27995  
agreement the value of the real and personal property exempted 27996  
pursuant to the agreement and a comparison of the stipulated and 27997  
actual schedules for hiring new employees, for retaining existing 27998  
employees, and for the amount of payroll of the enterprise 27999  
attributable to these employees; 28000

(c) The number of agreements about which the tax incentive 28001  
review council made recommendations to the legislative authority, 28002  
and the number of such recommendations that have not been 28003  
followed; 28004

(d) The number of agreements rescinded during the calendar 28005  
year for which the report is submitted. 28006

(5) The number of parties subject to agreements that expanded 28007  
within each area, including the number of new employees hired and 28008  
existing employees retained by that party, and the number of new 28009  
parties subject to agreements that established within each area, 28010  
including the number of new employees hired by each party; 28011

(6) For each agreement in effect during any part of the 28012  
preceding year, the number of employees employed by the party at 28013  
the property that is the subject of the agreement immediately 28014  
prior to formal approval of the agreement, the number of employees 28015  
employed by the party at that property on the thirty-first day of 28016  
December of the preceding year, the payroll of the party for the 28017  
preceding year, the amount of taxes paid on real property that was 28018  
exempted under the agreement, and the amount of such taxes that 28019  
were not paid because of the exemption. 28020

(B) Upon the failure of a municipal corporation or county to 28021  
comply with division (A) of this section: 28022

(1) Beginning on the first day of April of the calendar year 28023  
in which the municipal corporation or county fails to comply with 28024  
that division, the municipal corporation or county shall not enter 28025

into any agreements under section 3735.671 of the Revised Code 28026  
until the municipal corporation or county has complied with 28027  
division (A) of this section. 28028

(2) On the first day of each ensuing calendar month until the 28029  
municipal corporation or county complies with that division, the 28030  
director of development shall either order the proper county 28031  
auditor to deduct from the next succeeding payment of taxes to the 28032  
municipal corporation or county under section 321.31, 321.32, 28033  
321.33, or 321.34 of the Revised Code an amount equal to five 28034  
hundred dollars for each calendar month the municipal corporation 28035  
or county fails to comply with that division, or order the county 28036  
auditor to deduct such an amount from the next succeeding payment 28037  
to the municipal corporation or county from the undivided local 28038  
~~government~~ communities fund under section 5747.51 of the Revised 28039  
Code. At the time such a payment is made, the county auditor shall 28040  
comply with the director's order by issuing a warrant, drawn on 28041  
the fund from which such money would have been paid, to the 28042  
director of development, who shall deposit the warrant into the 28043  
state community reinvestment area program administration fund 28044  
created in division (C) of this section. 28045

(C) The director, by rule, shall establish the state's 28046  
application fee for applications submitted to a municipal 28047  
corporation or county to enter into an agreement under section 28048  
3735.671 of the Revised Code. In establishing the amount of the 28049  
fee, the director shall consider the state's cost of administering 28050  
the community reinvestment area program, including the cost of 28051  
reviewing the reports required under division (A) of this section. 28052  
The director may change the amount of the fee at such times and in 28053  
such increments as ~~he~~ the director considers necessary. Any 28054  
municipal corporation or county that receives an application shall 28055  
collect the application fee and remit the fee for deposit in the 28056  
state treasury to the credit of the ~~state community reinvestment~~ 28057

~~area program administration fund, which is hereby created. Money 28058  
credited to the fund shall be used by the department of 28059  
development to pay the costs of administering the community 28060  
reinvestment area program, including the cost of reviewing the 28061  
reports required under division (A) of this section tax incentive 28062  
programs operating fund created in section 122.174 of the Revised 28063  
Code. 28064~~

**Sec. 3745.11.** (A) Applicants for and holders of permits, 28065  
licenses, variances, plan approvals, and certifications issued by 28066  
the director of environmental protection pursuant to Chapters 28067  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 28068  
to the environmental protection agency for each such issuance and 28069  
each application for an issuance as provided by this section. No 28070  
fee shall be charged for any issuance for which no application has 28071  
been submitted to the director. 28072

(B) Each person who is issued a permit to install prior to 28073  
July 1, 2003, pursuant to rules adopted under division (F) of 28074  
section 3704.03 of the Revised Code shall pay the fees specified 28075  
in the following schedules: 28076

(1) Fuel-burning equipment (boilers) 28077  
Input capacity (maximum) 28078  
(million British thermal units per hour) Permit to install 28079  
Greater than 0, but less than 10 \$ 200 28080  
10 or more, but less than 100 400 28081  
100 or more, but less than 300 800 28082  
300 or more, but less than 500 1500 28083  
500 or more, but less than 1000 2500 28084  
1000 or more, but less than 5000 4000 28085  
5000 or more 6000 28086

Units burning exclusively natural gas, number two fuel oil, 28087  
or both shall be assessed a fee that is one-half of the applicable 28088

amount established in division (F)(1) of this section.		28089
(2) Incinerators		28090
Input capacity (pounds per hour)	Permit to install	28091
0 to 100	\$ 100	28092
101 to 500	400	28093
501 to 2000	750	28094
2001 to 20,000	1000	28095
more than 20,000	2500	28096
(3)(a) Process		28097
Process weight rate (pounds per hour)	Permit to install	28098
0 to 1000	\$ 200	28099
1001 to 5000	400	28100
5001 to 10,000	600	28101
10,001 to 50,000	800	28102
more than 50,000	1000	28103
In any process where process weight rate cannot be		28104
ascertained, the minimum fee shall be assessed.		28105
(b) Notwithstanding division (B)(3)(a) of this section, any		28106
person issued a permit to install pursuant to rules adopted under		28107
division (F) of section 3704.03 of the Revised Code shall pay the		28108
fees established in division (B)(3)(c) of this section for a		28109
process used in any of the following industries, as identified by		28110
the applicable four-digit standard industrial classification code		28111
according to the Standard Industrial Classification Manual		28112
published by the United States office of management and budget in		28113
the executive office of the president, 1972, as revised:		28114
1211 Bituminous coal and lignite mining;		28115
1213 Bituminous coal and lignite mining services;		28116
1411 Dimension stone;		28117
1422 Crushed and broken limestone;		28118

1427 Crushed and broken stone, not elsewhere classified;		28119
1442 Construction sand and gravel;		28120
1446 Industrial sand;		28121
3281 Cut stone and stone products;		28122
3295 Minerals and earth, ground or otherwise treated.		28123
(c) The fees established in the following schedule apply to		28124
the issuance of a permit to install pursuant to rules adopted		28125
under division (F) of section 3704.03 of the Revised Code for a		28126
process listed in division (B)(3)(b) of this section:		28127
Process weight rate (pounds per hour)	Permit to install	28128
0 to 1000	\$ 200	28129
10,001 to 50,000	300	28130
50,001 to 100,000	400	28131
100,001 to 200,000	500	28132
200,001 to 400,000	600	28133
400,001 or more	700	28134
(4) Storage tanks		28135
Gallons (maximum useful capacity)	Permit to install	28136
0 to 20,000	\$ 100	28137
20,001 to 40,000	150	28138
40,001 to 100,000	200	28139
100,001 to 250,000	250	28140
250,001 to 500,000	350	28141
500,001 to 1,000,000	500	28142
1,000,001 or greater	750	28143
(5) Gasoline/fuel dispensing facilities		28144
For each gasoline/fuel dispensing	Permit to install	28145
facility	\$ 100	28146
(6) Dry cleaning facilities		28147
For each dry cleaning facility	Permit to install	28148

(includes all units at the facility)	\$ 100	28149
(7) Registration status		28150
For each source covered	Permit to install	28151
by registration status	\$ 75	28152
(C)(1) Except as otherwise provided in division (C)(2) of		28153
this section, beginning July 1, 1994, each person who owns or		28154
operates an air contaminant source and who is required to apply		28155
for and obtain a Title V permit under section 3704.036 of the		28156
Revised Code shall pay the fees set forth in division (C)(1) of		28157
this section. For the purposes of that division, total emissions		28158
of air contaminants may be calculated using engineering		28159
calculations, emissions factors, material balance calculations, or		28160
performance testing procedures, as authorized by the director.		28161
The following fees shall be assessed on the total actual		28162
emissions from a source in tons per year of the regulated		28163
pollutants particulate matter, sulfur dioxide, nitrogen oxides,		28164
organic compounds, and lead:		28165
(a) Fifteen dollars per ton on the total actual emissions of		28166
each such regulated pollutant during the period July through		28167
December 1993, to be collected no sooner than July 1, 1994;		28168
(b) Twenty dollars per ton on the total actual emissions of		28169
each such regulated pollutant during calendar year 1994, to be		28170
collected no sooner than April 15, 1995;		28171
(c) Twenty-five dollars per ton on the total actual emissions		28172
of each such regulated pollutant in calendar year 1995, and each		28173
subsequent calendar year, to be collected no sooner than the		28174
fifteenth day of April of the year next succeeding the calendar		28175
year in which the emissions occurred.		28176
The fees levied under division (C)(1) of this section do not		28177
apply to that portion of the emissions of a regulated pollutant at		28178
a facility that exceed four thousand tons during a calendar year.		28179

(2) The fees assessed under division (C)(1) of this section 28180  
are for the purpose of providing funding for the Title V permit 28181  
program. 28182

(3) The fees assessed under division (C)(1) of this section 28183  
do not apply to emissions from any electric generating unit 28184  
designated as a Phase I unit under Title IV of the federal Clean 28185  
Air Act prior to calendar year 2000. Those fees shall be assessed 28186  
on the emissions from such a generating unit commencing in 28187  
calendar year 2001 based upon the total actual emissions from the 28188  
generating unit during calendar year 2000 and shall continue to be 28189  
assessed each subsequent calendar year based on the total actual 28190  
emissions from the generating unit during the preceding calendar 28191  
year. 28192

(4) The director shall issue invoices to owners or operators 28193  
of air contaminant sources who are required to pay a fee assessed 28194  
under division (C) or (D) of this section. Any such invoice shall 28195  
be issued no sooner than the applicable date when the fee first 28196  
may be collected in a year under the applicable division, shall 28197  
identify the nature and amount of the fee assessed, and shall 28198  
indicate that the fee is required to be paid within thirty days 28199  
after the issuance of the invoice. 28200

(D)(1) Except as provided in division (D)(3) of this section, 28201  
from January 1, 1994, through December 31, 2003, each person who 28202  
owns or operates an air contaminant source; who is required to 28203  
apply for a permit to operate pursuant to rules adopted under 28204  
division (G), or a variance pursuant to division (H), of section 28205  
3704.03 of the Revised Code; and who is not required to apply for 28206  
and obtain a Title V permit under section 3704.036 of the Revised 28207  
Code shall pay a single fee based upon the sum of the actual 28208  
annual emissions from the facility of the regulated pollutants 28209  
particulate matter, sulfur dioxide, nitrogen oxides, organic 28210  
compounds, and lead in accordance with the following schedule: 28211

Total tons per year		28212
of regulated pollutants	Annual fee	28213
emitted	per facility	28214
More than 0, but less than 50	\$ 75	28215
50 or more, but less than 100	300	28216
100 or more	700	28217

(2) Except as provided in division (D)(3) of this section, 28218  
beginning January 1, 2004, each person who owns or operates an air 28219  
contaminant source; who is required to apply for a permit to 28220  
operate pursuant to rules adopted under division (G), or a 28221  
variance pursuant to division (H), of section 3704.03 of the 28222  
Revised Code; and who is not required to apply for and obtain a 28223  
Title V permit under section 3704.03 of the Revised Code shall pay 28224  
a single fee based upon the sum of the actual annual emissions 28225  
from the facility of the regulated pollutants particulate matter, 28226  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 28227  
accordance with the following schedule: 28228

Total tons per year		28229
of regulated pollutants	Annual fee	28230
emitted	per facility	28231
More than 0, but less than 10	\$ 100	28232
10 or more, but less than 50	200	28233
50 or more, but less than 100	300	28234
100 or more	700	28235

(3)(a) As used in division (D) of this section, "synthetic 28236  
minor facility" means a facility for which one or more permits to 28237  
install or permits to operate have been issued for the air 28238  
contaminant sources at the facility that include terms and 28239  
conditions that lower the facility's potential to emit air 28240  
contaminants below the major source thresholds established in 28241  
rules adopted under section 3704.036 of the Revised Code. 28242

(b) Beginning January 1, 2000, through June 30, ~~2008~~ 2010, 28243

each person who owns or operates a synthetic minor facility shall 28244  
pay an annual fee based on the sum of the actual annual emissions 28245  
from the facility of particulate matter, sulfur dioxide, nitrogen 28246  
dioxide, organic compounds, and lead in accordance with the 28247  
following schedule: 28248

Combined total tons		28249
per year of all regulated	Annual fee	28250
pollutants emitted	per facility	28251
Less than 10	\$ 170	28252
10 or more, but less than 20	340	28253
20 or more, but less than 30	670	28254
30 or more, but less than 40	1,010	28255
40 or more, but less than 50	1,340	28256
50 or more, but less than 60	1,680	28257
60 or more, but less than 70	2,010	28258
70 or more, but less than 80	2,350	28259
80 or more, but less than 90	2,680	28260
90 or more, but less than 100	3,020	28261
100 or more	3,350	28262

(4) The fees assessed under division (D)(1) of this section 28263  
shall be collected annually no sooner than the fifteenth day of 28264  
April, commencing in 1995. The fees assessed under division (D)(2) 28265  
of this section shall be collected annually no sooner than the 28266  
fifteenth day of April, commencing in 2005. The fees assessed 28267  
under division (D)(3) of this section shall be collected no sooner 28268  
than the fifteenth day of April, commencing in 2000. The fees 28269  
assessed under division (D) of this section in a calendar year 28270  
shall be based upon the sum of the actual emissions of those 28271  
regulated pollutants during the preceding calendar year. For the 28272  
purpose of division (D) of this section, emissions of air 28273  
contaminants may be calculated using engineering calculations, 28274  
emission factors, material balance calculations, or performance 28275  
testing procedures, as authorized by the director. The director, 28276

by rule, may require persons who are required to pay the fees 28277  
assessed under division (D) of this section to pay those fees 28278  
biennially rather than annually. 28279

(E)(1) Consistent with the need to cover the reasonable costs 28280  
of the Title V permit program, the director annually shall 28281  
increase the fees prescribed in division (C)(1) of this section by 28282  
the percentage, if any, by which the consumer price index for the 28283  
most recent calendar year ending before the beginning of a year 28284  
exceeds the consumer price index for calendar year 1989. Upon 28285  
calculating an increase in fees authorized by division (E)(1) of 28286  
this section, the director shall compile revised fee schedules for 28287  
the purposes of division (C)(1) of this section and shall make the 28288  
revised schedules available to persons required to pay the fees 28289  
assessed under that division and to the public. 28290

(2) For the purposes of division (E)(1) of this section: 28291

(a) The consumer price index for any year is the average of 28292  
the consumer price index for all urban consumers published by the 28293  
United States department of labor as of the close of the 28294  
twelve-month period ending on the thirty-first day of August of 28295  
that year. 28296

(b) If the 1989 consumer price index is revised, the director 28297  
shall use the revision of the consumer price index that is most 28298  
consistent with that for calendar year 1989. 28299

(F) Each person who is issued a permit to install pursuant to 28300  
rules adopted under division (F) of section 3704.03 of the Revised 28301  
Code on or after July 1, 2003, shall pay the fees specified in the 28302  
following schedules: 28303

(1) Fuel-burning equipment (boilers, furnaces, or process 28304  
heaters used in the process of burning fuel for the primary 28305  
purpose of producing heat or power by indirect heat transfer) 28306  
Input capacity (maximum) 28307

(million British thermal units per hour)	Permit to install	28308
Greater than 0, but less than 10	\$ 200	28309
10 or more, but less than 100	400	28310
100 or more, but less than 300	1000	28311
300 or more, but less than 500	2250	28312
500 or more, but less than 1000	3750	28313
1000 or more, but less than 5000	6000	28314
5000 or more	9000	28315
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.		28316 28317 28318
(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		28319 28320
Generating capacity (mega watts)	Permit to install	28321
0 or more, but less than 10	\$ 25	28322
10 or more, but less than 25	150	28323
25 or more, but less than 50	300	28324
50 or more, but less than 100	500	28325
100 or more, but less than 250	1000	28326
250 or more	2000	28327
(3) Incinerators		28328
Input capacity (pounds per hour)	Permit to install	28329
0 to 100	\$ 100	28330
101 to 500	500	28331
501 to 2000	1000	28332
2001 to 20,000	1500	28333
more than 20,000	3750	28334
(4)(a) Process		28335
Process weight rate (pounds per hour)	Permit to install	28336
0 to 1000	\$ 200	28337
1001 to 5000	500	28338
5001 to 10,000	750	28339

10,001 to 50,000	1000	28340
more than 50,000	1250	28341

In any process where process weight rate cannot be 28342  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 28343  
combustion turbine, stationary internal combustion engine, or 28344  
process heater designed to provide direct heat or power to a 28345  
process not designed to generate electricity shall be assessed a 28346  
fee established in division (F)(4)(a) of this section. A 28347  
combustion turbine or stationary internal combustion engine 28348  
designed to generate electricity shall be assessed a fee 28349  
established in division (F)(2) of this section. 28350

(b) Notwithstanding division (F)(4)(a) of this section, any 28351  
person issued a permit to install pursuant to rules adopted under 28352  
division (F) of section 3704.03 of the Revised Code shall pay the 28353  
fees set forth in division (F)(4)(c) of this section for a process 28354  
used in any of the following industries, as identified by the 28355  
applicable two-digit, three-digit, or four-digit standard 28356  
industrial classification code according to the Standard 28357  
Industrial Classification Manual published by the United States 28358  
office of management and budget in the executive office of the 28359  
president, 1987, as revised: 28360

Major group 10, metal mining; 28361

Major group 12, coal mining; 28362

Major group 14, mining and quarrying of nonmetallic minerals; 28363

Industry group 204, grain mill products; 28364

2873 Nitrogen fertilizers; 28365

2874 Phosphatic fertilizers; 28366

3281 Cut stone and stone products; 28367

3295 Minerals and earth, ground or otherwise treated; 28368

4221 Grain elevators (storage only); 28369

5159 Farm related raw materials;		28370
5261 Retail nurseries and lawn and garden supply stores.		28371
(c) The fees set forth in the following schedule apply to the		28372
issuance of a permit to install pursuant to rules adopted under		28373
division (F) of section 3704.03 of the Revised Code for a process		28374
identified in division (F)(4)(b) of this section:		28375
Process weight rate (pounds per	Permit to install	28376
hour)		
0 to 10,000	\$ 200	28377
10,001 to 50,000	400	28378
50,001 to 100,000	500	28379
100,001 to 200,000	600	28380
200,001 to 400,000	750	28381
400,001 or more	900	28382
(5) Storage tanks		28383
Gallons (maximum useful capacity)	Permit to install	28384
0 to 20,000	\$ 100	28385
20,001 to 40,000	150	28386
40,001 to 100,000	250	28387
100,001 to 500,000	400	28388
500,001 or greater	750	28389
(6) Gasoline/fuel dispensing facilities		28390
For each gasoline/fuel		28391
dispensing facility (includes all	Permit to install	28392
units at the facility)	\$ 100	28393
(7) Dry cleaning facilities		28394
For each dry cleaning		28395
facility (includes all units	Permit to install	28396
at the facility)	\$ 100	28397
(8) Registration status		28398
For each source covered	Permit to install	28399

by registration status \$ 75 28400

(G) An owner or operator who is responsible for an asbestos 28401  
demolition or renovation project pursuant to rules adopted under 28402  
section 3704.03 of the Revised Code shall pay the fees set forth 28403  
in the following schedule: 28404

Action	Fee	
Each notification	\$75	28406
Asbestos removal	\$3/unit	28407
Asbestos cleanup	\$4/cubic yard	28408

For purposes of this division, "unit" means any combination of 28409  
linear feet or square feet equal to fifty. 28410

(H) A person who is issued an extension of time for a permit 28411  
to install an air contaminant source pursuant to rules adopted 28412  
under division (F) of section 3704.03 of the Revised Code shall 28413  
pay a fee equal to one-half the fee originally assessed for the 28414  
permit to install under this section, except that the fee for such 28415  
an extension shall not exceed two hundred dollars. 28416

(I) A person who is issued a modification to a permit to 28417  
install an air contaminant source pursuant to rules adopted under 28418  
section 3704.03 of the Revised Code shall pay a fee equal to 28419  
one-half of the fee that would be assessed under this section to 28420  
obtain a permit to install the source. The fee assessed by this 28421  
division only applies to modifications that are initiated by the 28422  
owner or operator of the source and shall not exceed two thousand 28423  
dollars. 28424

(J) Notwithstanding division (B) or (F) of this section, a 28425  
person who applies for or obtains a permit to install pursuant to 28426  
rules adopted under division (F) of section 3704.03 of the Revised 28427  
Code after the date actual construction of the source began shall 28428  
pay a fee for the permit to install that is equal to twice the fee 28429  
that otherwise would be assessed under the applicable division 28430  
unless the applicant received authorization to begin construction 28431

under division (W) of section 3704.03 of the Revised Code. This 28432  
division only applies to sources for which actual construction of 28433  
the source begins on or after July 1, 1993. The imposition or 28434  
payment of the fee established in this division does not preclude 28435  
the director from taking any administrative or judicial 28436  
enforcement action under this chapter, Chapter 3704., 3714., 28437  
3734., or 6111. of the Revised Code, or a rule adopted under any 28438  
of them, in connection with a violation of rules adopted under 28439  
division (F) of section 3704.03 of the Revised Code. 28440

As used in this division, "actual construction of the source" 28441  
means the initiation of physical on-site construction activities 28442  
in connection with improvements to the source that are permanent 28443  
in nature, including, without limitation, the installation of 28444  
building supports and foundations and the laying of underground 28445  
pipework. 28446

(K) Fifty cents per ton of each fee assessed under division 28447  
(C) of this section on actual emissions from a source and received 28448  
by the environmental protection agency pursuant to that division 28449  
shall be deposited into the state treasury to the credit of the 28450  
small business assistance fund created in section 3706.19 of the 28451  
Revised Code. The remainder of the moneys received by the division 28452  
pursuant to that division and moneys received by the agency 28453  
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 28454  
section shall be deposited in the state treasury to the credit of 28455  
the clean air fund created in section 3704.035 of the Revised 28456  
Code. 28457

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 28458  
or (c) of this section, a person issued a water discharge permit 28459  
or renewal of a water discharge permit pursuant to Chapter 6111. 28460  
of the Revised Code shall pay a fee based on each point source to 28461  
which the issuance is applicable in accordance with the following 28462  
schedule: 28463

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	28465
1,001 to 5000	100	28466
5,001 to 50,000	200	28467
50,001 to 100,000	300	28468
100,001 to 300,000	525	28469
over 300,000	750	28470

(b) Notwithstanding the fee schedule specified in division 28471  
(L)(1)(a) of this section, the fee for a water discharge permit 28472  
that is applicable to coal mining operations regulated under 28473  
Chapter 1513. of the Revised Code shall be two hundred fifty 28474  
dollars per mine. 28475

(c) Notwithstanding the fee schedule specified in division 28476  
(L)(1)(a) of this section, the fee for a water discharge permit 28477  
for a public discharger identified by I in the third character of 28478  
the permittee's NPDES permit number shall not exceed seven hundred 28479  
fifty dollars. 28480

(2) A person applying for a plan approval for a wastewater 28481  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 28482  
of the Revised Code shall pay a fee of one hundred dollars plus 28483  
sixty-five one-hundredths of one per cent of the estimated project 28484  
cost through June 30, ~~2008~~ 2010, and one hundred dollars plus 28485  
two-tenths of one per cent of the estimated project cost on and 28486  
after July 1, ~~2008~~ 2010, except that the total fee shall not 28487  
exceed fifteen thousand dollars through June 30, ~~2008~~ 2010, and 28488  
five thousand dollars on and after July 1, ~~2008~~ 2010. The fee 28489  
shall be paid at the time the application is submitted. 28490

(3) A person issued a modification of a water discharge 28491  
permit shall pay a fee equal to one-half the fee that otherwise 28492  
would be charged for a water discharge permit, except that the fee 28493  
for the modification shall not exceed four hundred dollars. 28494

(4) A person who has entered into an agreement with the 28495

director under section 6111.14 of the Revised Code shall pay an 28496  
administrative service fee for each plan submitted under that 28497  
section for approval that shall not exceed the minimum amount 28498  
necessary to pay administrative costs directly attributable to 28499  
processing plan approvals. The director annually shall calculate 28500  
the fee and shall notify all persons who have entered into 28501  
agreements under that section, or who have applied for agreements, 28502  
of the amount of the fee. 28503

(5)(a)(i) Not later than January 30, ~~2006~~ 2008, and January 28504  
30, ~~2007~~ 2009, a person holding an NPDES discharge permit issued 28505  
pursuant to Chapter 6111. of the Revised Code with an average 28506  
daily discharge flow of five thousand gallons or more shall pay a 28507  
nonrefundable annual discharge fee. Any person who fails to pay 28508  
the fee at that time shall pay an additional amount that equals 28509  
ten per cent of the required annual discharge fee. 28510

(ii) The billing year for the annual discharge fee 28511  
established in division (L)(5)(a)(i) of this section shall consist 28512  
of a twelve-month period beginning on the first day of January of 28513  
the year preceding the date when the annual discharge fee is due. 28514  
In the case of an existing source that permanently ceases to 28515  
discharge during a billing year, the director shall reduce the 28516  
annual discharge fee, including the surcharge applicable to 28517  
certain industrial facilities pursuant to division (L)(5)(c) of 28518  
this section, by one-twelfth for each full month during the 28519  
billing year that the source was not discharging, but only if the 28520  
person holding the NPDES discharge permit for the source notifies 28521  
the director in writing, not later than the first day of October 28522  
of the billing year, of the circumstances causing the cessation of 28523  
discharge. 28524

(iii) The annual discharge fee established in division 28525  
(L)(5)(a)(i) of this section, except for the surcharge applicable 28526  
to certain industrial facilities pursuant to division (L)(5)(c) of 28527

this section, shall be based upon the average daily discharge flow 28528  
 in gallons per day calculated using first day of May through 28529  
 thirty-first day of October flow data for the period two years 28530  
 prior to the date on which the fee is due. In the case of NPDES 28531  
 discharge permits for new sources, the fee shall be calculated 28532  
 using the average daily design flow of the facility until actual 28533  
 average daily discharge flow values are available for the time 28534  
 period specified in division (L)(5)(a)(iii) of this section. The 28535  
 annual discharge fee may be prorated for a new source as described 28536  
 in division (L)(5)(a)(ii) of this section. 28537

(b) An NPDES permit holder that is a public discharger shall 28538  
 pay the fee specified in the following schedule: 28539

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2006</del> <u>2008</u> , and	
	January 30, <del>2007</del>	
	<u>2009</u>	
5,000 to 49,999	\$ 200	28544
50,000 to 100,000	500	28545
100,001 to 250,000	1,050	28546
250,001 to 1,000,000	2,600	28547
1,000,001 to 5,000,000	5,200	28548
5,000,001 to 10,000,000	10,350	28549
10,000,001 to 20,000,000	15,550	28550
20,000,001 to 50,000,000	25,900	28551
50,000,001 to 100,000,000	41,400	28552
100,000,001 or more	62,100	28553

Public dischargers owning or operating two or more publicly 28554  
 owned treatment works serving the same political subdivision, as 28555  
 "treatment works" is defined in section 6111.01 of the Revised 28556  
 Code, and that serve exclusively political subdivisions having a 28557  
 population of fewer than one hundred thousand shall pay an annual 28558

discharge fee under division (L)(5)(b) of this section that is 28559  
based on the combined average daily discharge flow of the 28560  
treatment works. 28561

(c) An NPDES permit holder that is an industrial discharger, 28562  
other than a coal mining operator identified by P in the third 28563  
character of the permittee's NPDES permit number, shall pay the 28564  
fee specified in the following schedule: 28565

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2006</del> <u>2008</u> , and	
	January 30, <del>2007</del>	
	<u>2009</u>	
5,000 to 49,999	\$ 250	28570
50,000 to 250,000	1,200	28571
250,001 to 1,000,000	2,950	28572
1,000,001 to 5,000,000	5,850	28573
5,000,001 to 10,000,000	8,800	28574
10,000,001 to 20,000,000	11,700	28575
20,000,001 to 100,000,000	14,050	28576
100,000,001 to 250,000,000	16,400	28577
250,000,001 or more	18,700	28578

In addition to the fee specified in the above schedule, an 28579  
NPDES permit holder that is an industrial discharger classified as 28580  
a major discharger during all or part of the annual discharge fee 28581  
billing year specified in division (L)(5)(a)(ii) of this section 28582  
shall pay a nonrefundable annual surcharge of seven thousand five 28583  
hundred dollars not later than January 30, ~~2006~~ 2008, and not 28584  
later than January 30, ~~2007~~ 2009. Any person who fails to pay the 28585  
surcharge at that time shall pay an additional amount that equals 28586  
ten per cent of the amount of the surcharge. 28587

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 28588  
section, a public discharger identified by I in the third 28589

character of the permittee's NPDES permit number and an industrial 28590  
discharger identified by I, J, L, V, W, X, Y, or Z in the third 28591  
character of the permittee's NPDES permit number shall pay a 28592  
nonrefundable annual discharge fee of one hundred eighty dollars 28593  
not later than January 30, ~~2006~~ 2008, and not later than January 28594  
30, ~~2007~~ 2009. Any person who fails to pay the fee at that time 28595  
shall pay an additional amount that equals ten per cent of the 28596  
required fee. 28597

(6) Each person obtaining a national pollutant discharge 28598  
elimination system general or individual permit for municipal 28599  
storm water discharge shall pay a nonrefundable storm water 28600  
discharge fee of one hundred dollars per square mile of area 28601  
permitted. The fee shall not exceed ten thousand dollars and shall 28602  
be payable on or before January 30, 2004, and the thirtieth day of 28603  
January of each year thereafter. Any person who fails to pay the 28604  
fee on the date specified in division (L)(6) of this section shall 28605  
pay an additional amount per year equal to ten per cent of the 28606  
annual fee that is unpaid. 28607

(7) The director shall transmit all moneys collected under 28608  
division (L) of this section to the treasurer of state for deposit 28609  
into the state treasury to the credit of the surface water 28610  
protection fund created in section 6111.038 of the Revised Code. 28611

(8) As used in division (L) of this section: 28612

(a) "NPDES" means the federally approved national pollutant 28613  
discharge elimination system program for issuing, modifying, 28614  
revoking, reissuing, terminating, monitoring, and enforcing 28615  
permits and imposing and enforcing pretreatment requirements under 28616  
Chapter 6111. of the Revised Code and rules adopted under it. 28617

(b) "Public discharger" means any holder of an NPDES permit 28618  
identified by P in the second character of the NPDES permit number 28619  
assigned by the director. 28620

(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. 28621  
28622  
28623

(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. 28624  
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28626  
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(M) Through June 30, ~~2008~~ 2010, 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. 28628  
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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: 28638  
28639  
28640

(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, ~~2008~~ 2010, the fee is: 28641  
28642  
28643  
28644  
28645

Number of service connections	Fee amount	
Not more than 49	\$ 112	28647
50 to 99	176	28648
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	28650
2,500 to 4,999	1.48	28651

5,000 to 7,499	1.42	28652
7,500 to 9,999	1.34	28653
10,000 to 14,999	1.16	28654
15,000 to 24,999	1.10	28655
25,000 to 49,999	1.04	28656
50,000 to 99,999	.92	28657
100,000 to 149,999	.86	28658
150,000 to 199,999	.80	28659
200,000 or more	.76	28660

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, ~~2008~~ 2010, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	28674
150 to 299	176	28675
300 to 749	384	28676
750 to 1,499	628	28677
1,500 to 2,999	1,268	28678
3,000 to 7,499	2,816	28679
7,500 to 14,999	5,510	28680
15,000 to 22,499	9,048	28681
22,500 to 29,999	12,430	28682

30,000 or more 16,820 28684

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, ~~2008~~ 2010, the fee is:

Number of wells supplying system	Fee amount	
1	\$112	28697
2	112	28698
3	176	28699
4	278	28700
5	568	28701
System designated as using a surface water source	792	28702

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, ~~2008~~ 2010, and fifteen thousand dollars on and 28716  
after July 1, ~~2008~~ 2010. The fee shall be paid at the time the 28717  
application is submitted. 28718

(2) A person who has entered into an agreement with the 28719  
director under division (A)(2) of section 6109.07 of the Revised 28720  
Code shall pay an administrative service fee for each plan 28721  
submitted under that section for approval that shall not exceed 28722  
the minimum amount necessary to pay administrative costs directly 28723  
attributable to processing plan approvals. The director annually 28724  
shall calculate the fee and shall notify all persons that have 28725  
entered into agreements under that division, or who have applied 28726  
for agreements, of the amount of the fee. 28727

(3) Through June 30, ~~2008~~ 2010, the following fee, on a per 28728  
survey basis, shall be charged any person for services rendered by 28729  
the state in the evaluation of laboratories and laboratory 28730  
personnel for compliance with accepted analytical techniques and 28731  
procedures established pursuant to Chapter 6109. of the Revised 28732  
Code for determining the qualitative characteristics of water: 28733

microbiological		28734
MMO-MUG	\$2,000	28735
MF	2,100	28736
MMO-MUG and MF	2,550	28737
organic chemical	5,400	28738
trace metals	5,400	28739
standard chemistry	2,800	28740
limited chemistry	1,550	28741

On and after July 1, ~~2008~~ 2010, the following fee, on a per 28742  
survey basis, shall be charged any such person: 28743

microbiological	\$ 1,650	28744
organic chemicals	3,500	28745
trace metals	3,500	28746
standard chemistry	1,800	28747

limited chemistry 1,000 28748

The fee for those services shall be paid at the time the request 28749  
for the survey is made. Through June 30, ~~2008~~ 2010, an individual 28750  
laboratory shall not be assessed a fee under this division more 28751  
than once in any three-year period unless the person requests the 28752  
addition of analytical methods or analysts, in which case the 28753  
person shall pay eighteen hundred dollars for each additional 28754  
survey requested. 28755

As used in division (N)(3) of this section: 28756

(a) "MF" means microfiltration. 28757

(b) "MMO" means minimal medium ONPG. 28758

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 28759

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 28760

The director shall transmit all moneys collected under this 28761  
division to the treasurer of state for deposit into the drinking 28762  
water protection fund created in section 6109.30 of the Revised 28763  
Code. 28764

(O) Any person applying to the director for examination for 28765  
certification as an operator of a water supply system or 28766  
wastewater system under Chapter 6109. or 6111. of the Revised 28767  
Code, at the time the application is submitted, shall pay an 28768  
application fee of forty-five dollars through November 30, ~~2008~~ 28769  
2010, and twenty-five dollars on and after December 1, ~~2008~~ 2010. 28770  
Upon approval from the director that the applicant is eligible to 28771  
take the examination therefor, the applicant shall pay a fee in 28772  
accordance with the following schedule through November 30, ~~2008~~ 28773  
2010: 28774

Class A operator	\$35	28775
Class I operator	60	28776
Class II operator	75	28777

Class III operator	85	28778
Class IV operator	100	28779

On and after December 1, ~~2008~~ 2010, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$25	28782
Class I operator	\$45	28783
Class II operator	55	28784
Class III operator	65	28785
Class IV operator	75	28786

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	28790
Class I operator	35	28791
Class II operator	45	28792
Class III operator	55	28793
Class IV operator	65	28794

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	28800
Class I operator	55	28801
Class II operator	65	28802
Class III operator	75	28803
Class IV operator	85	28804

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

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. 28810

(P) Any person submitting an application for an industrial 28811  
water pollution control certificate under section 6111.31 of the 28812  
Revised Code, as that section existed before its repeal by H.B. 95 28813  
of the 125th general assembly, shall pay a nonrefundable fee of 28814  
five hundred dollars at the time the application is submitted. The 28815  
director shall transmit all moneys collected under this division 28816  
to the treasurer of state for deposit into the surface water 28817  
protection fund created in section 6111.038 of the Revised Code. A 28818  
person paying a certificate fee under this division shall not pay 28819  
an application fee under division (S)(1) of this section. On and 28820  
after June 26, 2003, persons shall file such applications and pay 28821  
the fee as required under sections 5709.20 to 5709.27 of the 28822  
Revised Code, and proceeds from the fee shall be credited as 28823  
provided in section 5709.212 of the Revised Code. 28824

(Q) Except as otherwise provided in division (R) of this 28825  
section, a person issued a permit by the director for a new solid 28826  
waste disposal facility other than an incineration or composting 28827  
facility, a new infectious waste treatment facility other than an 28828  
incineration facility, or a modification of such an existing 28829  
facility that includes an increase in the total disposal or 28830  
treatment capacity of the facility pursuant to Chapter 3734. of 28831  
the Revised Code shall pay a fee of ten dollars per thousand cubic 28832  
yards of disposal or treatment capacity, or one thousand dollars, 28833  
whichever is greater, except that the total fee for any such 28834  
permit shall not exceed eighty thousand dollars. A person issued a 28835  
modification of a permit for a solid waste disposal facility or an 28836  
infectious waste treatment facility that does not involve an 28837  
increase in the total disposal or treatment capacity of the 28838  
facility shall pay a fee of one thousand dollars. A person issued 28839  
a permit to install a new, or modify an existing, solid waste 28840  
transfer facility under that chapter shall pay a fee of two 28841

thousand five hundred dollars. A person issued a permit to install 28842  
a new or to modify an existing solid waste incineration or 28843  
composting facility, or an existing infectious waste treatment 28844  
facility using incineration as its principal method of treatment, 28845  
under that chapter shall pay a fee of one thousand dollars. The 28846  
increases in the permit fees under this division resulting from 28847  
the amendments made by Amended Substitute House Bill 592 of the 28848  
117th general assembly do not apply to any person who submitted an 28849  
application for a permit to install a new, or modify an existing, 28850  
solid waste disposal facility under that chapter prior to 28851  
September 1, 1987; any such person shall pay the permit fee 28852  
established in this division as it existed prior to June 24, 1988. 28853  
In addition to the applicable permit fee under this division, a 28854  
person issued a permit to install or modify a solid waste facility 28855  
or an infectious waste treatment facility under that chapter who 28856  
fails to pay the permit fee to the director in compliance with 28857  
division (V) of this section shall pay an additional ten per cent 28858  
of the amount of the fee for each week that the permit fee is 28859  
late. 28860

Permit and late payment fees paid to the director under this 28861  
division shall be credited to the general revenue fund. 28862

(R)(1) A person issued a registration certificate for a scrap 28863  
tire collection facility under section 3734.75 of the Revised Code 28864  
shall pay a fee of two hundred dollars, except that if the 28865  
facility is owned or operated by a motor vehicle salvage dealer 28866  
licensed under Chapter 4738. of the Revised Code, the person shall 28867  
pay a fee of twenty-five dollars. 28868

(2) A person issued a registration certificate for a new 28869  
scrap tire storage facility under section 3734.76 of the Revised 28870  
Code shall pay a fee of three hundred dollars, except that if the 28871  
facility is owned or operated by a motor vehicle salvage dealer 28872  
licensed under Chapter 4738. of the Revised Code, the person shall 28873

pay a fee of twenty-five dollars. 28874

(3) A person issued a permit for a scrap tire storage 28875  
facility under section 3734.76 of the Revised Code shall pay a fee 28876  
of one thousand dollars, except that if the facility is owned or 28877  
operated by a motor vehicle salvage dealer licensed under Chapter 28878  
4738. of the Revised Code, the person shall pay a fee of fifty 28879  
dollars. 28880

(4) A person issued a permit for a scrap tire monocell or 28881  
monofill facility under section 3734.77 of the Revised Code shall 28882  
pay a fee of ten dollars per thousand cubic yards of disposal 28883  
capacity or one thousand dollars, whichever is greater, except 28884  
that the total fee for any such permit shall not exceed eighty 28885  
thousand dollars. 28886

(5) A person issued a registration certificate for a scrap 28887  
tire recovery facility under section 3734.78 of the Revised Code 28888  
shall pay a fee of one hundred dollars. 28889

(6) A person issued a permit for a scrap tire recovery 28890  
facility under section 3734.78 of the Revised Code shall pay a fee 28891  
of one thousand dollars. 28892

(7) In addition to the applicable registration certificate or 28893  
permit fee under divisions (R)(1) to (6) of this section, a person 28894  
issued a registration certificate or permit for any such scrap 28895  
tire facility who fails to pay the registration certificate or 28896  
permit fee to the director in compliance with division (V) of this 28897  
section shall pay an additional ten per cent of the amount of the 28898  
fee for each week that the fee is late. 28899

(8) The registration certificate, permit, and late payment 28900  
fees paid to the director under divisions (R)(1) to (7) of this 28901  
section shall be credited to the scrap tire management fund 28902  
created in section 3734.82 of the Revised Code. 28903

(S)(1) Except as provided by divisions (L), (M), (N), (O), 28904

(P), and (S)(2) of this section, division (A)(2) of section 28905  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 28906  
and rules adopted under division (T)(1) of this section, any 28907  
person applying for a registration certificate under section 28908  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 28909  
variance, or plan approval under Chapter 3734. of the Revised Code 28910  
shall pay a nonrefundable fee of fifteen dollars at the time the 28911  
application is submitted. 28912

Except as otherwise provided, any person applying for a 28913  
permit, variance, or plan approval under Chapter 6109. or 6111. of 28914  
the Revised Code shall pay a nonrefundable fee of one hundred 28915  
dollars at the time the application is submitted through June 30, 28916  
~~2008~~ 2010, and a nonrefundable fee of fifteen dollars at the time 28917  
the application is submitted on and after July 1, ~~2008~~ 2010. 28918  
Through June 30, ~~2008~~ 2010, any person applying for a national 28919  
pollutant discharge elimination system permit under Chapter 6111. 28920  
of the Revised Code shall pay a nonrefundable fee of two hundred 28921  
dollars at the time of application for the permit. On and after 28922  
July 1, ~~2008~~ 2010, such a person shall pay a nonrefundable fee of 28923  
fifteen dollars at the time of application. 28924

In addition to the application fee established under division 28925  
(S)(1) of this section, any person applying for a national 28926  
pollutant discharge elimination system general storm water 28927  
construction permit shall pay a nonrefundable fee of twenty 28928  
dollars per acre for each acre that is permitted above five acres 28929  
at the time the application is submitted. However, the per acreage 28930  
fee shall not exceed three hundred dollars. In addition, any 28931  
person applying for a national pollutant discharge elimination 28932  
system general storm water industrial permit shall pay a 28933  
nonrefundable fee of one hundred fifty dollars at the time the 28934  
application is submitted. 28935

The director shall transmit all moneys collected under 28936

division (S)(1) of this section pursuant to Chapter 6109. of the 28937  
Revised Code to the treasurer of state for deposit into the 28938  
drinking water protection fund created in section 6109.30 of the 28939  
Revised Code. 28940

The director shall transmit all moneys collected under 28941  
division (S)(1) of this section pursuant to Chapter 6111. of the 28942  
Revised Code to the treasurer of state for deposit into the 28943  
surface water protection fund created in section 6111.038 of the 28944  
Revised Code. 28945

If a registration certificate is issued under section 28946  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 28947  
the application fee paid shall be deducted from the amount of the 28948  
registration certificate fee due under division (R)(1), (2), or 28949  
(5) of this section, as applicable. 28950

If a person submits an electronic application for a 28951  
registration certificate, permit, variance, or plan approval for 28952  
which an application fee is established under division (S)(1) of 28953  
this section, the person shall pay the applicable application fee 28954  
as expeditiously as possible after the submission of the 28955  
electronic application. An application for a registration 28956  
certificate, permit, variance, or plan approval for which an 28957  
application fee is established under division (S)(1) of this 28958  
section shall not be reviewed or processed until the applicable 28959  
application fee, and any other fees established under this 28960  
division, are paid. 28961

(2) Division (S)(1) of this section does not apply to an 28962  
application for a registration certificate for a scrap tire 28963  
collection or storage facility submitted under section 3734.75 or 28964  
3734.76 of the Revised Code, as applicable, if the owner or 28965  
operator of the facility or proposed facility is a motor vehicle 28966  
salvage dealer licensed under Chapter 4738. of the Revised Code. 28967

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary 28999  
to carry out this section. 29000

(U) When the director reasonably demonstrates that the direct 29001  
cost to the state associated with the issuance of a permit to 29002  
install, license, variance, plan approval, or certification 29003  
exceeds the fee for the issuance or review specified by this 29004  
section, the director may condition the issuance or review on the 29005  
payment by the person receiving the issuance or review of, in 29006  
addition to the fee specified by this section, the amount, or any 29007  
portion thereof, in excess of the fee specified under this 29008  
section. The director shall not so condition issuances for which 29009  
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 29010  
section. 29011

(V) Except as provided in divisions (L), (M), and (P) of this 29012  
section or unless otherwise prescribed by a rule of the director 29013  
adopted pursuant to Chapter 119. of the Revised Code, all fees 29014  
required by this section are payable within thirty days after the 29015  
issuance of an invoice for the fee by the director or the 29016  
effective date of the issuance of the license, permit, variance, 29017  
plan approval, or certification. If payment is late, the person 29018  
responsible for payment of the fee shall pay an additional ten per 29019  
cent of the amount due for each month that it is late. 29020

(W) As used in this section, "fuel-burning equipment," 29021  
"fuel-burning equipment input capacity," "incinerator," 29022  
"incinerator input capacity," "process," "process weight rate," 29023  
"storage tank," "gasoline dispensing facility," "dry cleaning 29024  
facility," "design flow discharge," and "new source treatment 29025  
works" have the meanings ascribed to those terms by applicable 29026  
rules or standards adopted by the director under Chapter 3704. or 29027  
6111. of the Revised Code. 29028

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 29029  
and (J) of this section, and in any other provision of this 29030

section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code: 29031  
29032

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code. 29033  
29034  
29035

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least: 29036  
29037  
29038

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement; 29039  
29040  
29041

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal; 29042  
29043  
29044  
29045

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry; 29046  
29047  
29048

(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions; 29049  
29050  
29051

(e) Emission and ambient monitoring; 29052

(f) Modeling, analyses, or demonstrations; 29053

(g) Preparing inventories and tracking emissions; 29054

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the 29055  
29056  
29057  
29058  
29059  
29060

Revised Code. 29061

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 29062  
of this section, each sewage sludge facility shall pay a 29063  
nonrefundable annual sludge fee equal to three dollars and fifty 29064  
cents per dry ton of sewage sludge, including the dry tons of 29065  
sewage sludge in materials derived from sewage sludge, that the 29066  
sewage sludge facility treats or disposes of in this state. The 29067  
annual volume of sewage sludge treated or disposed of by a sewage 29068  
sludge facility shall be calculated using the first day of January 29069  
through the thirty-first day of December of the calendar year 29070  
preceding the date on which payment of the fee is due. 29071

(2)(a) Except as provided in division (Y)(2)(d) of this 29072  
section, each sewage sludge facility shall pay a minimum annual 29073  
sewage sludge fee of one hundred dollars. 29074

(b) The annual sludge fee required to be paid by a sewage 29075  
sludge facility that treats or disposes of exceptional quality 29076  
sludge in this state shall be thirty-five per cent less per dry 29077  
ton of exceptional quality sludge than the fee assessed under 29078  
division (Y)(1) of this section, subject to the following 29079  
exceptions: 29080

(i) Except as provided in division (Y)(2)(d) of this section, 29081  
a sewage sludge facility that treats or disposes of exceptional 29082  
quality sludge shall pay a minimum annual sewage sludge fee of one 29083  
hundred dollars. 29084

(ii) A sewage sludge facility that treats or disposes of 29085  
exceptional quality sludge shall not be required to pay the annual 29086  
sludge fee for treatment or disposal in this state of exceptional 29087  
quality sludge generated outside of this state and contained in 29088  
bags or other containers not greater than one hundred pounds in 29089  
capacity. 29090

A thirty-five per cent reduction for exceptional quality 29091

sludge applies to the maximum annual fees established under 29092  
division (Y)(3) of this section. 29093

(c) A sewage sludge facility that transfers sewage sludge to 29094  
another sewage sludge facility in this state for further treatment 29095  
prior to disposal in this state shall not be required to pay the 29096  
annual sludge fee for the tons of sewage sludge that have been 29097  
transferred. In such a case, the sewage sludge facility that 29098  
disposes of the sewage sludge shall pay the annual sludge fee. 29099  
However, the facility transferring the sewage sludge shall pay the 29100  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 29101  
of this section. 29102

In the case of a sewage sludge facility that treats sewage 29103  
sludge in this state and transfers it out of this state to another 29104  
entity for disposal, the sewage sludge facility in this state 29105  
shall be required to pay the annual sludge fee for the tons of 29106  
sewage sludge that have been transferred. 29107

(d) A sewage sludge facility that generates sewage sludge 29108  
resulting from an average daily discharge flow of less than five 29109  
thousand gallons per day is not subject to the fees assessed under 29110  
division (Y) of this section. 29111

(3) No sewage sludge facility required to pay the annual 29112  
sludge fee shall be required to pay more than the maximum annual 29113  
fee for each disposal method that the sewage sludge facility uses. 29114  
The maximum annual fee does not include the additional amount that 29115  
may be charged under division (Y)(5) of this section for late 29116  
payment of the annual sludge fee. The maximum annual fee for the 29117  
following methods of disposal of sewage sludge is as follows: 29118

(a) Incineration: five thousand dollars; 29119

(b) Preexisting land reclamation project or disposal in a 29120  
landfill: five thousand dollars; 29121

(c) Land application, land reclamation, surface disposal, or 29122

any other disposal method not specified in division (Y)(3)(a) or 29123  
(b) of this section: twenty thousand dollars. 29124

(4)(a) In the case of an entity that generates sewage sludge 29125  
or a sewage sludge facility that treats sewage sludge and 29126  
transfers the sewage sludge to an incineration facility for 29127  
disposal, the incineration facility, and not the entity generating 29128  
the sewage sludge or the sewage sludge facility treating the 29129  
sewage sludge, shall pay the annual sludge fee for the tons of 29130  
sewage sludge that are transferred. However, the entity or 29131  
facility generating or treating the sewage sludge shall pay the 29132  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 29133  
of this section. 29134

(b) In the case of an entity that generates sewage sludge and 29135  
transfers the sewage sludge to a landfill for disposal or to a 29136  
sewage sludge facility for land reclamation or surface disposal, 29137  
the entity generating the sewage sludge, and not the landfill or 29138  
sewage sludge facility, shall pay the annual sludge fee for the 29139  
tons of sewage sludge that are transferred. 29140

(5) Not later than the first day of April of the calendar 29141  
year following March 17, 2000, and each first day of April 29142  
thereafter, the director shall issue invoices to persons who are 29143  
required to pay the annual sludge fee. The invoice shall identify 29144  
the nature and amount of the annual sludge fee assessed and state 29145  
the first day of May as the deadline for receipt by the director 29146  
of objections regarding the amount of the fee and the first day of 29147  
July as the deadline for payment of the fee. 29148

Not later than the first day of May following receipt of an 29149  
invoice, a person required to pay the annual sludge fee may submit 29150  
objections to the director concerning the accuracy of information 29151  
regarding the number of dry tons of sewage sludge used to 29152  
calculate the amount of the annual sludge fee or regarding whether 29153  
the sewage sludge qualifies for the exceptional quality sludge 29154

discount established in division (Y)(2)(b) of this section. The 29155  
director may consider the objections and adjust the amount of the 29156  
fee to ensure that it is accurate. 29157

If the director does not adjust the amount of the annual 29158  
sludge fee in response to a person's objections, the person may 29159  
appeal the director's determination in accordance with Chapter 29160  
119. of the Revised Code. 29161

Not later than the first day of June, the director shall 29162  
notify the objecting person regarding whether the director has 29163  
found the objections to be valid and the reasons for the finding. 29164  
If the director finds the objections to be valid and adjusts the 29165  
amount of the annual sludge fee accordingly, the director shall 29166  
issue with the notification a new invoice to the person 29167  
identifying the amount of the annual sludge fee assessed and 29168  
stating the first day of July as the deadline for payment. 29169

Not later than the first day of July, any person who is 29170  
required to do so shall pay the annual sludge fee. Any person who 29171  
is required to pay the fee, but who fails to do so on or before 29172  
that date shall pay an additional amount that equals ten per cent 29173  
of the required annual sludge fee. 29174

(6) The director shall transmit all moneys collected under 29175  
division (Y) of this section to the treasurer of state for deposit 29176  
into the surface water protection fund created in section 6111.038 29177  
of the Revised Code. The moneys shall be used to defray the costs 29178  
of administering and enforcing provisions in Chapter 6111. of the 29179  
Revised Code and rules adopted under it that govern the use, 29180  
storage, treatment, or disposal of sewage sludge. 29181

(7) Beginning in fiscal year 2001, and every two years 29182  
thereafter, the director shall review the total amount of moneys 29183  
generated by the annual sludge fees to determine if that amount 29184  
exceeded six hundred thousand dollars in either of the two 29185

preceding fiscal years. If the total amount of moneys in the fund 29186  
exceeded six hundred thousand dollars in either fiscal year, the 29187  
director, after review of the fee structure and consultation with 29188  
affected persons, shall issue an order reducing the amount of the 29189  
fees levied under division (Y) of this section so that the 29190  
estimated amount of moneys resulting from the fees will not exceed 29191  
six hundred thousand dollars in any fiscal year. 29192

If, upon review of the fees under division (Y)(7) of this 29193  
section and after the fees have been reduced, the director 29194  
determines that the total amount of moneys collected and 29195  
accumulated is less than six hundred thousand dollars, the 29196  
director, after review of the fee structure and consultation with 29197  
affected persons, may issue an order increasing the amount of the 29198  
fees levied under division (Y) of this section so that the 29199  
estimated amount of moneys resulting from the fees will be 29200  
approximately six hundred thousand dollars. Fees shall never be 29201  
increased to an amount exceeding the amount specified in division 29202  
(Y)(7) of this section. 29203

Notwithstanding section 119.06 of the Revised Code, the 29204  
director may issue an order under division (Y)(7) of this section 29205  
without the necessity to hold an adjudicatory hearing in 29206  
connection with the order. The issuance of an order under this 29207  
division is not an act or action for purposes of section 3745.04 29208  
of the Revised Code. 29209

(8) As used in division (Y) of this section: 29210

(a) "Sewage sludge facility" means an entity that performs 29211  
treatment on or is responsible for the disposal of sewage sludge. 29212

(b) "Sewage sludge" means a solid, semi-solid, or liquid 29213  
residue generated during the treatment of domestic sewage in a 29214  
treatment works as defined in section 6111.01 of the Revised Code. 29215  
"Sewage sludge" includes, but is not limited to, scum or solids 29216

removed in primary, secondary, or advanced wastewater treatment 29217  
processes. "Sewage sludge" does not include ash generated during 29218  
the firing of sewage sludge in a sewage sludge incinerator, grit 29219  
and screenings generated during preliminary treatment of domestic 29220  
sewage in a treatment works, animal manure, residue generated 29221  
during treatment of animal manure, or domestic septage. 29222

(c) "Exceptional quality sludge" means sewage sludge that 29223  
meets all of the following qualifications: 29224

(i) Satisfies the class A pathogen standards in 40 C.F.R. 29225  
503.32(a); 29226

(ii) Satisfies one of the vector attraction reduction 29227  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 29228

(iii) Does not exceed the ceiling concentration limitations 29229  
for metals listed in table one of 40 C.F.R. 503.13; 29230

(iv) Does not exceed the concentration limitations for metals 29231  
listed in table three of 40 C.F.R. 503.13. 29232

(d) "Treatment" means the preparation of sewage sludge for 29233  
final use or disposal and includes, but is not limited to, 29234  
thickening, stabilization, and dewatering of sewage sludge. 29235

(e) "Disposal" means the final use of sewage sludge, 29236  
including, but not limited to, land application, land reclamation, 29237  
surface disposal, or disposal in a landfill or an incinerator. 29238

(f) "Land application" means the spraying or spreading of 29239  
sewage sludge onto the land surface, the injection of sewage 29240  
sludge below the land surface, or the incorporation of sewage 29241  
sludge into the soil for the purposes of conditioning the soil or 29242  
fertilizing crops or vegetation grown in the soil. 29243

(g) "Land reclamation" means the returning of disturbed land 29244  
to productive use. 29245

(h) "Surface disposal" means the placement of sludge on an 29246

area of land for disposal, including, but not limited to, 29247  
monofills, surface impoundments, lagoons, waste piles, or 29248  
dedicated disposal sites. 29249

(i) "Incinerator" means an entity that disposes of sewage 29250  
sludge through the combustion of organic matter and inorganic 29251  
matter in sewage sludge by high temperatures in an enclosed 29252  
device. 29253

(j) "Incineration facility" includes all incinerators owned 29254  
or operated by the same entity and located on a contiguous tract 29255  
of land. Areas of land are considered to be contiguous even if 29256  
they are separated by a public road or highway. 29257

(k) "Annual sludge fee" means the fee assessed under division 29258  
(Y)(1) of this section. 29259

(l) "Landfill" means a sanitary landfill facility, as defined 29260  
in rules adopted under section 3734.02 of the Revised Code, that 29261  
is licensed under section 3734.05 of the Revised Code. 29262

(m) "Preexisting land reclamation project" means a 29263  
property-specific land reclamation project that has been in 29264  
continuous operation for not less than five years pursuant to 29265  
approval of the activity by the director and includes the 29266  
implementation of a community outreach program concerning the 29267  
activity. 29268

**Sec. 3769.087.** (A) In addition to the commission of eighteen 29269  
per cent retained by each permit holder as provided in section 29270  
3769.08 of the Revised Code, each permit holder shall retain an 29271  
additional amount equal to four per cent of the total of all 29272  
moneys wagered on each racing day on all wagering pools other than 29273  
win, place, and show, of which amount retained an amount equal to 29274  
three per cent of the total of all moneys wagered on each racing 29275  
day on those pools shall be paid by check, draft, or money order 29276

to the tax commissioner, as a tax. Subject to the restrictions 29277  
contained in divisions (B), (C), and (M) of section 3769.08 of the 29278  
Revised Code, from such additional moneys paid to the tax 29279  
commissioner: 29280

(1) Four-sixths shall be allocated to fund distribution as 29281  
provided in division (M) of section 3769.08 of the Revised Code. 29282

(2) One-twelfth shall be paid into the Ohio fairs fund 29283  
created by section 3769.082 of the Revised Code. 29284

(3) One-twelfth of the additional moneys paid to the tax 29285  
commissioner by thoroughbred racing permit holders shall be paid 29286  
into the Ohio thoroughbred race fund created by section 3769.083 29287  
of the Revised Code. 29288

(4) One-twelfth of the additional moneys paid to the tax 29289  
commissioner by harness horse racing permit holders shall be paid 29290  
to the Ohio standardbred development fund created by section 29291  
3769.085 of the Revised Code. 29292

(5) One-twelfth of the additional moneys paid to the tax 29293  
commissioner by quarter horse racing permit holders shall be paid 29294  
to the Ohio quarter horse development fund created by section 29295  
3769.086 of the Revised Code. 29296

(6) One-sixth shall be paid into the state racing commission 29297  
operating fund created by section 3769.03 of the Revised Code. 29298

The remaining one per cent that is retained of the total of 29299  
all moneys wagered on each racing day on all pools other than win, 29300  
place, and show, shall be retained by racing permit holders, and, 29301  
except as otherwise provided in section 3769.089 of the Revised 29302  
Code, racing permit holders shall use one-half for purse money and 29303  
retain one-half. 29304

(B) In addition to the commission of eighteen per cent 29305  
retained by each permit holder as provided in section 3769.08 of 29306

the Revised Code and the additional amount retained by each permit holder as provided in division (A) of this section, each permit holder shall retain an additional amount equal to one-half of one per cent of the total of all moneys wagered on each racing day on all wagering pools other than win, place, and show. ~~Except as provided in division (C) of this section, from the~~ The additional amount retained under this division, ~~each permit holder shall retain an amount equal to one quarter of one per cent of the total of all moneys wagered on each racing day on all pools other than win, place, and show and shall pay that amount~~ shall be paid by check, draft, or money order to the tax commissioner, as a tax. The tax commissioner shall pay the amount of the tax received under this division to the state racing commission operating fund created by section 3769.03 of the Revised Code.

~~Except as provided in division (C) of this section, the remaining one quarter of one per cent that is retained from the total of all moneys wagered on each racing day on all pools other than win, place, and show shall be retained by the permit holder, and the permit holder shall use one half for purse money and retain one half.~~

~~(C) During the period commencing on July 1, 2006, and ending on and including June 30, 2007, the additional amount retained by each permit holder under division (B) of this section shall be paid by check, draft, or money order to the tax commissioner, as a tax. The tax commissioner shall pay the amount of the tax received under this division to the state racing commission operating fund created by section 3769.03 of the Revised Code.~~

**Sec. 3770.03.** (A) The state lottery commission shall promulgate rules under which a statewide lottery may be conducted. The rules shall be promulgated pursuant to Chapter 119. of the Revised Code, except that instant game rules shall be promulgated

pursuant to section 111.15 of the Revised Code but are not subject 29338  
to division (D) of that section. Subjects covered in these rules 29339  
shall include, but need not be limited to, the following: 29340

(1) The type of lottery to be conducted; 29341

(2) The prices of tickets in the lottery; 29342

(3) The number, nature, and value of prize awards, the manner 29343  
and frequency of prize drawings, and the manner in which prizes 29344  
shall be awarded to holders of winning tickets. No rule shall 29345  
authorize drawings on a Sunday for any lottery game unless the 29346  
rule is approved by an executive order of the governor. 29347

(B) The commission shall promulgate rules, in addition to 29348  
those described in division (A) of this section, pursuant to 29349  
Chapter 119. of the Revised Code under which a statewide lottery 29350  
and statewide joint lottery games may be conducted. Subjects 29351  
covered in these rules shall include, but not be limited to, the 29352  
following: 29353

(1) The locations at which lottery tickets may be sold and 29354  
the manner in which they are to be sold. These rules may authorize 29355  
the sale of lottery tickets by commission personnel or other 29356  
licensed individuals from traveling show wagons at the state fair, 29357  
and at any other expositions the director of the commission 29358  
considers acceptable. These rules shall prohibit commission 29359  
personnel or other licensed individuals from soliciting from an 29360  
exposition the right to sell lottery tickets at that exposition, 29361  
but shall allow commission personnel or other licensed individuals 29362  
to sell lottery tickets at an exposition if the exposition 29363  
requests commission personnel or licensed individuals to do so. 29364  
These rules may also address the accessibility of sales agent 29365  
locations to commission products in accordance with the "Americans 29366  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 29367  
et seq. 29368

(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents to transfer revenues to the commission in a timely manner;

(3) The amount of compensation to be paid licensed lottery sales agents;

(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent, or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code.

(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the lottery profits education fund under division (B) of section 3770.06 of the Revised Code.

(C) The commission may promulgate rules, in addition to those described in divisions (A) and (B) of this section, that establish standards governing the display of advertising and celebrity images on lottery tickets and on other items that are used in the conduct of, or to promote, the statewide lottery and statewide joint lottery games. Any revenue derived from the sale of

advertising displayed on lottery tickets and on those other items 29401  
shall be considered, for purposes of section 3770.06 of the 29402  
Revised Code, to be related proceeds in connection with the 29403  
statewide lottery or gross proceeds from statewide joint lottery 29404  
games, as applicable. 29405

(D)(1) The commission shall meet with the director at least 29406  
once each month and shall convene other meetings at the request of 29407  
the chairperson or any five of the members. No action taken by the 29408  
commission shall be binding unless at least five of the members 29409  
present vote in favor of the action. A written record shall be 29410  
made of the proceedings of each meeting and shall be transmitted 29411  
forthwith to the governor, the president of the senate, the senate 29412  
minority leader, the speaker of the house of representatives, and 29413  
the house minority leader. 29414

(2) The director shall present to the commission a report 29415  
each month, showing the total revenues, prize disbursements, and 29416  
operating expenses of the state lottery for the preceding month. 29417  
As soon as practicable after the end of each fiscal year, the 29418  
commission shall prepare and transmit to the governor and the 29419  
general assembly a report of lottery revenues, prize 29420  
disbursements, and operating expenses for the preceding fiscal 29421  
year and any recommendations for legislation considered necessary 29422  
by the commission. 29423

**Sec. 3770.06.** (A) There is hereby created the state lottery 29424  
gross revenue fund, which shall be in the custody of the treasurer 29425  
of state but shall not be part of the state treasury. All gross 29426  
revenues received from sales of lottery tickets, fines, fees, and 29427  
related proceeds in connection with the statewide lottery and all 29428  
gross proceeds from statewide joint lottery games shall be 29429  
deposited into the fund. The treasurer of state shall invest any 29430  
portion of the fund not needed for immediate use in the same 29431

manner as, and subject to all provisions of law with respect to 29432  
the investment of, state funds. The treasurer of state shall 29433  
disburse money from the fund on order of the director of the state 29434  
lottery commission or the director's designee. 29435

Except for gross proceeds from statewide joint lottery games, 29436  
all revenues of the state lottery gross revenue fund that are not 29437  
paid to holders of winning lottery tickets, that are not required 29438  
to meet short-term prize liabilities, that are not credited to 29439  
lottery sales agents in the form of bonuses, commissions, or 29440  
reimbursements, that are not paid to financial institutions to 29441  
reimburse those institutions for sales agent nonsufficient funds, 29442  
and that are collected from sales agents for remittance to 29443  
insurers under contract to provide sales agent bonding services 29444  
shall be transferred to the state lottery fund, which is hereby 29445  
created in the state treasury. In addition, all revenues of the 29446  
state lottery gross revenue fund that represent the gross proceeds 29447  
from the statewide joint lottery games and that are not paid to 29448  
holders of winning lottery tickets, that are not required to meet 29449  
short-term prize liabilities, that are not credited to lottery 29450  
sales agents in the form of bonuses, commissions, or 29451  
reimbursements, and that are not necessary to cover operating 29452  
expenses associated with those games or to otherwise comply with 29453  
the agreements signed by the governor that the director enters 29454  
into under division (J) of section 3770.02 of the Revised Code or 29455  
the rules the commission adopts under division (B)(5) of section 29456  
3770.03 of the Revised Code shall be transferred to the state 29457  
lottery fund. All investment earnings of the fund shall be 29458  
credited to the fund. Moneys shall be disbursed from the fund 29459  
pursuant to vouchers approved by the director. Total disbursements 29460  
for monetary prize awards to holders of winning lottery tickets in 29461  
connection with the statewide lottery and purchases of goods and 29462  
services awarded as prizes to holders of winning lottery tickets 29463  
shall be of an amount equal to at least fifty per cent of the 29464

total revenue accruing from the sale of lottery tickets. 29465

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 29466  
there is hereby established in the state treasury the lottery 29467  
profits education fund. Whenever, in the judgment of the director 29468  
of budget and management, the amount to the credit of the state 29469  
lottery fund that does not represent proceeds from statewide joint 29470  
lottery games is in excess of that needed to meet the maturing 29471  
obligations of the commission and as working capital for its 29472  
further operations, the director shall transfer the excess to the 29473  
lottery profits education fund in connection with the statewide 29474  
lottery. In addition, whenever, in the judgment of the director of 29475  
budget and management, the amount to the credit of the state 29476  
lottery fund that represents proceeds from statewide joint lottery 29477  
games equals the entire net proceeds of those games as described 29478  
in division (B)(5) of section 3770.03 of the Revised Code and the 29479  
rules adopted under that division, the director shall transfer 29480  
those proceeds to the lottery profits education fund. There shall 29481  
also be credited to the fund any repayments of moneys loaned from 29482  
the educational excellence investment fund. Investment earnings of 29483  
the lottery profits education fund shall be credited to the fund. 29484

The lottery profits education fund shall be used solely for 29485  
the support of elementary, secondary, vocational, and special 29486  
education programs as determined in appropriations made by the 29487  
general assembly, or as provided in applicable bond proceedings 29488  
for the payment of debt service on obligations issued to pay costs 29489  
of capital facilities, including those for a system of common 29490  
schools throughout the state pursuant to section 2n of Article 29491  
VIII, Ohio Constitution. When determining the availability of 29492  
money in the lottery profits education fund, the director of 29493  
budget and management may consider all balances and estimated 29494  
revenues of the fund. 29495

~~From the amounts that the director of budget and management~~ 29496

~~transfers in any fiscal year from the state lottery fund to the 29497  
lottery profits education fund, the director shall transfer the 29498  
initial ten million dollars of those amounts from the lottery 29499  
profits education fund to the school building program bond service 29500  
fund created in division (Q) of section 3318.26 of the Revised 29501  
Code to be pledged for the purpose of paying bond service charges 29502  
as defined in division (C) of section 3318.21 of the Revised Code 29503  
on one or more issuances of obligations, which obligations are 29504  
issued to provide moneys for the school building program 29505  
assistance fund created in section 3318.25 of the Revised Code. 29506~~

(C) There is hereby established in the state treasury the 29507  
deferred prizes trust fund. With the approval of the director of 29508  
budget and management, an amount sufficient to fund annuity prizes 29509  
shall be transferred from the state lottery fund and credited to 29510  
the trust fund. The treasurer of state shall credit all earnings 29511  
arising from investments purchased under this division to the 29512  
trust fund. Within sixty days after the end of each fiscal year, 29513  
the treasurer of state shall certify to the director of budget and 29514  
management whether the actuarial amount of the trust fund is 29515  
sufficient over the fund's life for continued funding of all 29516  
remaining deferred prize liabilities as of the last day of the 29517  
fiscal year just ended. Also, within that sixty days, the director 29518  
of budget and management shall certify the amount of investment 29519  
earnings necessary to have been credited to the trust fund during 29520  
the fiscal year just ending to provide for such continued funding 29521  
of deferred prizes. Any earnings credited in excess of ~~this~~ the 29522  
latter certified amount shall be transferred to the lottery 29523  
profits education fund. 29524

To provide all or a part of the amounts necessary to fund 29525  
deferred prizes awarded by the commission in connection with the 29526  
statewide lottery, the treasurer of state, in consultation with 29527  
the commission, may invest moneys contained in the deferred prizes 29528

trust fund which represents proceeds from the statewide lottery in 29529  
obligations of the type permitted for the investment of state 29530  
funds but whose maturities are thirty years or less. 29531  
Notwithstanding the requirements of any other section of the 29532  
Revised Code, to provide all or part of the amounts necessary to 29533  
fund deferred prizes awarded by the commission in connection with 29534  
statewide joint lottery games, the treasurer of state, in 29535  
consultation with the commission, may invest moneys in the trust 29536  
fund which represent proceeds derived from the statewide joint 29537  
lottery games in accordance with the rules the commission adopts 29538  
under division (B)(5) of section 3770.03 of the Revised Code. 29539  
Investments of the trust fund are not subject to the provisions of 29540  
division (A)(10) of section 135.143 of the Revised Code limiting 29541  
to twenty-five per cent the amount of the state's total average 29542  
portfolio that may be invested in debt interests and limiting to 29543  
one-half of one per cent the amount that may be invested in debt 29544  
interests of a single issuer. 29545

All purchases made under this division shall be effected on a 29546  
delivery versus payment method and shall be in the custody of the 29547  
treasurer of state. 29548

The treasurer of state may retain an investment advisor, if 29549  
necessary. The commission shall pay any costs incurred by the 29550  
treasurer of state in retaining an investment advisor. 29551

(D) The auditor of state shall conduct annual audits of all 29552  
funds and any other audits as the auditor of state or the general 29553  
assembly considers necessary. The auditor of state may examine all 29554  
records, files, and other documents of the commission, and records 29555  
of lottery sales agents that pertain to their activities as 29556  
agents, for purposes of conducting authorized audits. 29557

The state lottery commission shall establish an internal 29558  
audit program before the beginning of each fiscal year, subject to 29559  
the approval of the auditor of state. At the end of each fiscal 29560

year, the commission shall prepare and submit an annual report to 29561  
the auditor of state for the auditor of state's review and 29562  
approval, specifying the internal audit work completed by the end 29563  
of that fiscal year and reporting on compliance with the annual 29564  
internal audit program. The form and content of the report shall 29565  
be prescribed by the auditor of state under division (C) of 29566  
section 117.20 of the Revised Code. 29567

(E) Whenever, in the judgment of the director of budget and 29568  
management, an amount of net state lottery proceeds is necessary 29569  
to be applied to the payment of debt service on obligations, all 29570  
as defined in sections 151.01 and 151.03 of the Revised Code, the 29571  
director shall transfer that amount directly from the state 29572  
lottery fund or from the lottery profits education fund to the 29573  
bond service fund defined in those sections. The provisions of 29574  
this division are subject to any prior pledges or obligation of 29575  
those amounts to the payment of bond service charges as defined in 29576  
division (C) of section 3318.21 of the Revised Code, as referred 29577  
to in division (B) of this section. 29578

**Sec. 3905.36.** (A) Except as provided in divisions (B) and (C) 29579  
of this section, every insured association, company, corporation, 29580  
or other person that enters, directly or indirectly, into any 29581  
agreements with any insurance company, association, individual, 29582  
firm, underwriter, or Lloyd's, not authorized to do business in 29583  
this state, whereby the insured shall procure, continue, or renew 29584  
contracts of insurance covering subjects of insurance resident, 29585  
located, or to be performed within this state, with such 29586  
unauthorized insurance company, association, individual, firm, 29587  
underwriter, or Lloyd's, for which insurance there is a gross 29588  
premium, membership fee, assessment, dues, or other consideration 29589  
charged or collected, shall annually, on or before the 29590  
thirty-first day of January, return to the superintendent of 29591  
insurance a statement under oath showing the name and address of 29592

the insured, name and address of the insurer, subject of the 29593  
insurance, general description of the coverage, and amount of 29594  
gross premium, fee, assessment, dues, or other consideration for 29595  
such insurance for the preceding twelve-month period and shall at 29596  
the same time pay to the treasurer of state a tax of five per cent 29597  
of such gross premium, fee, assessment, dues, or other 29598  
consideration, after a deduction for return premium, if any, as 29599  
calculated on a form prescribed by the treasurer of state. All 29600  
taxes collected under this section by the treasurer of state shall 29601  
be paid into the general revenue fund. If the tax is not paid when 29602  
due, the tax shall be increased by a penalty of twenty-five per 29603  
cent. An interest charge computed as set forth in section 5725.221 29604  
of the Revised Code shall be made on the entire sum of the tax 29605  
plus penalty, which interest shall be computed from the date the 29606  
tax is due until it is paid. For purposes of this section, payment 29607  
is considered made when it is received by the treasurer of state, 29608  
irrespective of any United States postal service marking or other 29609  
stamp or mark indicating the date on which the payment may have 29610  
been mailed. 29611

(B) This section does not apply to: 29612

(1) Transactions in this state involving a policy solicited, 29613  
written, and delivered outside this state covering only subjects 29614  
of insurance not resident, located, or to be performed in this 29615  
state at the time of issuance, provided such transactions are 29616  
subsequent to the issuance of the policy; 29617

(2) Attorneys-at-law acting on behalf of their clients in the 29618  
adjustment of claims or losses; 29619

(3) Transactions involving policies issued by a captive 29620  
insurer. For this purpose, a "captive insurer" means any of the 29621  
following: 29622

(a) An insurer owned by one or more individuals or 29623

organizations, whose exclusive purpose is to insure risks of one 29624  
or more of the parent organizations or individual owners and risks 29625  
of one or more affiliates of the parent organizations or 29626  
individual owners; 29627

(b) In the case of groups and associations, insurers owned by 29628  
the group or association whose exclusive purpose is to insure 29629  
risks of members of the group or association and affiliates of the 29630  
members; 29631

(c) Other types of insurers, licensed and operated in 29632  
accordance with the captive insurance laws of their jurisdictions 29633  
of domicile and operated in a manner so as to self-insure risks of 29634  
their owners and insureds. 29635

(4) Professional ~~ex~~, medical liability, or other insurance 29636  
procured by a hospital organized under Chapter 3701. of the 29637  
Revised Code or on behalf of an entity that manufactures, 29638  
packages, and sells, as more than fifty per cent of the entity's 29639  
business, pharmaceutical products for human use where the 29640  
production, packaging, and sale of such products are subject to 29641  
regulation by an agency of the United States; 29642

(5) Insurance with an initial policy period of more than 29643  
three years and that is procured to cover known events related to 29644  
environmental remediation that occurred prior to the effective 29645  
date of that insurance. 29646

(C) In transactions that are subject to sections 3905.30 to 29647  
3905.35 of the Revised Code, each person licensed under section 29648  
3905.30 of the Revised Code shall pay to the treasurer of state, 29649  
on or before the thirty-first day of January of each year, five 29650  
per cent of the balance of the gross premiums charged for 29651  
insurance placed or procured under the license after a deduction 29652  
for return premiums, as reported on a form prescribed by the 29653  
treasurer of state. The tax shall be collected from the insured by 29654

the surplus line broker who placed or procured the policy of 29655  
insurance at the time the policy is delivered to the insured. No 29656  
license issued under section 3905.30 of the Revised Code shall be 29657  
renewed until payment is made. If the tax is not paid when due, 29658  
the tax shall be increased by a penalty of twenty-five per cent. 29659  
An interest charge computed as set forth in section 5725.221 of 29660  
the Revised Code shall be made on the entire sum of the tax plus 29661  
penalty, which interest shall be computed from the date the tax is 29662  
due until it is paid. For purposes of this section, payment is 29663  
considered made when it is received by the treasurer of state, 29664  
irrespective of any United States postal service marking or other 29665  
stamp or mark indicating the date on which the payment may have 29666  
been mailed. 29667

**Sec. 4123.35.** (A) Except as provided in this section, every 29668  
employer mentioned in division (B)(2) of section 4123.01 of the 29669  
Revised Code, and every publicly owned utility shall pay 29670  
semiannually in the months of January and July into the state 29671  
insurance fund the amount of annual premium the administrator of 29672  
workers' compensation fixes for the employment or occupation of 29673  
the employer, the amount of which premium to be paid by each 29674  
employer to be determined by the classifications, rules, and rates 29675  
made and published by the administrator. The employer shall pay 29676  
semiannually a further sum of money into the state insurance fund 29677  
as may be ascertained to be due from the employer by applying the 29678  
rules of the administrator, and a receipt or certificate 29679  
certifying that payment has been made, along with a written notice 29680  
as is required in section 4123.54 of the Revised Code, shall be 29681  
mailed immediately to the employer by the bureau of workers' 29682  
compensation. The receipt or certificate is prima-facie evidence 29683  
of the payment of the premium, and the proper posting of the 29684  
notice constitutes the employer's compliance with the notice 29685  
requirement mandated in section 4123.54 of the Revised Code. 29686

The bureau of workers' compensation shall verify with the secretary of state the existence of all corporations and organizations making application for workers' compensation coverage and shall require every such application to include the employer's federal identification number.

An employer as defined in division (B)(2) of section 4123.01 of the Revised Code who has contracted with a subcontractor is liable for the unpaid premium due from any subcontractor with respect to that part of the payroll of the subcontractor that is for work performed pursuant to the contract with the employer.

Division (A) of this section providing for the payment of premiums semiannually does not apply to any employer who was a subscriber to the state insurance fund prior to January 1, 1914, or who may first become a subscriber to the fund in any month other than January or July. Instead, the semiannual premiums shall be paid by those employers from time to time upon the expiration of the respective periods for which payments into the fund have been made by them.

The administrator shall adopt rules to permit employers to make periodic payments of the semiannual premium due under this division. The rules shall include provisions for the assessment of interest charges, where appropriate, and for the assessment of penalties when an employer fails to make timely premium payments. An employer who timely pays the amounts due under this division is entitled to all of the benefits and protections of this chapter. Upon receipt of payment, the bureau immediately shall mail a receipt or certificate to the employer certifying that payment has been made, which receipt is prima-facie evidence of payment. Workers' compensation coverage under this chapter continues uninterrupted upon timely receipt of payment under this division.

Every public employer, except public employers that are self-insuring employers under this section, shall comply with

sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 29719  
regard to the contribution of moneys to the public insurance fund. 29720

(B) Employers who will abide by the rules of the 29721  
administrator and who may be of sufficient financial ability to 29722  
render certain the payment of compensation to injured employees or 29723  
the dependents of killed employees, and the furnishing of medical, 29724  
surgical, nursing, and hospital attention and services and 29725  
medicines, and funeral expenses, equal to or greater than is 29726  
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 29727  
to 4123.67 of the Revised Code, and who do not desire to insure 29728  
the payment thereof or indemnify themselves against loss sustained 29729  
by the direct payment thereof, upon a finding of such facts by the 29730  
administrator, may be granted the privilege to pay individually 29731  
compensation, and furnish medical, surgical, nursing, and hospital 29732  
services and attention and funeral expenses directly to injured 29733  
employees or the dependents of killed employees, thereby being 29734  
granted status as a self-insuring employer. The administrator may 29735  
charge employers who apply for the status as a self-insuring 29736  
employer a reasonable application fee to cover the bureau's costs 29737  
in connection with processing and making a determination with 29738  
respect to an application. 29739

All employers granted status as self-insuring employers shall 29740  
demonstrate sufficient financial and administrative ability to 29741  
assure that all obligations under this section are promptly met. 29742  
The administrator shall deny the privilege where the employer is 29743  
unable to demonstrate the employer's ability to promptly meet all 29744  
the obligations imposed on the employer by this section. 29745

(1) The administrator shall consider, but is not limited to, 29746  
the following factors, where applicable, in determining the 29747  
employer's ability to meet all of the obligations imposed on the 29748  
employer by this section: 29749

(a) The employer employs a minimum of five hundred employees 29750

in this state; 29751

(b) The employer has operated in this state for a minimum of 29752  
two years, provided that an employer who has purchased, acquired, 29753  
or otherwise succeeded to the operation of a business, or any part 29754  
thereof, situated in this state that has operated for at least two 29755  
years in this state, also shall qualify; 29756

(c) Where the employer previously contributed to the state 29757  
insurance fund or is a successor employer as defined by bureau 29758  
rules, the amount of the buyout, as defined by bureau rules; 29759

(d) The sufficiency of the employer's assets located in this 29760  
state to insure the employer's solvency in paying compensation 29761  
directly; 29762

(e) The financial records, documents, and data, certified by 29763  
a certified public accountant, necessary to provide the employer's 29764  
full financial disclosure. The records, documents, and data 29765  
include, but are not limited to, balance sheets and profit and 29766  
loss history for the current year and previous four years. 29767

(f) The employer's organizational plan for the administration 29768  
of the workers' compensation law; 29769

(g) The employer's proposed plan to inform employees of the 29770  
change from a state fund insurer to a self-insuring employer, the 29771  
procedures the employer will follow as a self-insuring employer, 29772  
and the employees' rights to compensation and benefits; and 29773

(h) The employer has either an account in a financial 29774  
institution in this state, or if the employer maintains an account 29775  
with a financial institution outside this state, ensures that 29776  
workers' compensation checks are drawn from the same account as 29777  
payroll checks or the employer clearly indicates that payment will 29778  
be honored by a financial institution in this state. 29779

The administrator may waive the requirements of divisions 29780

(B)(1)(a) and (b) of this section and the requirement of division 29781  
(B)(1)(e) of this section that the financial records, documents, 29782  
and data be certified by a certified public accountant. The 29783  
administrator shall adopt rules establishing the criteria that an 29784  
employer shall meet in order for the administrator to waive the 29785  
requirement of division (B)(1)(e) of this section. Such rules may 29786  
require additional security of that employer pursuant to division 29787  
(E) of section 4123.351 of the Revised Code. 29788

The administrator shall not grant the status of self-insuring 29789  
employer to the state, except that the administrator may grant the 29790  
status of self-insuring employer to a state institution of higher 29791  
education, excluding its hospitals, that meets the requirements of 29792  
division (B)(2) of this section. 29793

(2) When considering the application of a public employer, 29794  
except for a board of county commissioners described in division 29795  
(G) of section 4123.01 of the Revised Code, a board of a county 29796  
hospital, or a publicly owned utility, the administrator shall 29797  
verify that the public employer satisfies all of the following 29798  
requirements as the requirements apply to that public employer: 29799

(a) For the two-year period preceding application under this 29800  
section, the public employer has maintained an unvoted debt 29801  
capacity equal to at least two times the amount of the current 29802  
annual premium established by the administrator under this chapter 29803  
for that public employer for the year immediately preceding the 29804  
year in which the public employer makes application under this 29805  
section. 29806

(b) For each of the two fiscal years preceding application 29807  
under this section, the unreserved and undesignated year-end fund 29808  
balance in the public employer's general fund is equal to at least 29809  
five per cent of the public employer's general fund revenues for 29810  
the fiscal year computed in accordance with generally accepted 29811  
accounting principles. 29812

(c) For the five-year period preceding application under this section, the public employer, to the extent applicable, has complied fully with the continuing disclosure requirements established in rules adopted by the United States securities and exchange commission under 17 C.F.R. 240.15c 2-12.

(d) For the five-year period preceding application under this section, the public employer has not had its local government or local communities fund distribution withheld on account of the public employer being indebted or otherwise obligated to the state.

(e) For the five-year period preceding application under this section, the public employer has not been under a fiscal watch or fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 of the Revised Code.

(f) For the public employer's fiscal year preceding application under this section, the public employer has obtained an annual financial audit as required under section 117.10 of the Revised Code, which has been released by the auditor of state within seven months after the end of the public employer's fiscal year.

(g) On the date of application, the public employer holds a debt rating of Aa3 or higher according to Moody's investors service, inc., or a comparable rating by an independent rating agency similar to Moody's investors service, inc.

(h) The public employer agrees to generate an annual accumulating book reserve in its financial statements reflecting an actuarially generated reserve adequate to pay projected claims under this chapter for the applicable period of time, as determined by the administrator.

(i) For a public employer that is a hospital, the public employer shall submit audited financial statements showing the

hospital's overall liquidity characteristics, and the 29844  
administrator shall determine, on an individual basis, whether the 29845  
public employer satisfies liquidity standards equivalent to the 29846  
liquidity standards of other public employers. 29847

(j) Any additional criteria that the administrator adopts by 29848  
rule pursuant to division (E) of this section. 29849

The administrator shall not approve the application of a 29850  
public employer, except for a board of county commissioners 29851  
described in division (G) of section 4123.01 of the Revised Code, 29852  
a board of a county hospital, or publicly owned utility, who does 29853  
not satisfy all of the requirements listed in division (B)(2) of 29854  
this section. 29855

(C) A board of county commissioners described in division (G) 29856  
of section 4123.01 of the Revised Code, as an employer, that will 29857  
abide by the rules of the administrator and that may be of 29858  
sufficient financial ability to render certain the payment of 29859  
compensation to injured employees or the dependents of killed 29860  
employees, and the furnishing of medical, surgical, nursing, and 29861  
hospital attention and services and medicines, and funeral 29862  
expenses, equal to or greater than is provided for in sections 29863  
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised 29864  
Code, and that does not desire to insure the payment thereof or 29865  
indemnify itself against loss sustained by the direct payment 29866  
thereof, upon a finding of such facts by the administrator, may be 29867  
granted the privilege to pay individually compensation, and 29868  
furnish medical, surgical, nursing, and hospital services and 29869  
attention and funeral expenses directly to injured employees or 29870  
the dependents of killed employees, thereby being granted status 29871  
as a self-insuring employer. The administrator may charge a board 29872  
of county commissioners described in division (G) of section 29873  
4123.01 of the Revised Code that applies for the status as a 29874  
self-insuring employer a reasonable application fee to cover the 29875

bureau's costs in connection with processing and making a 29876  
determination with respect to an application. All employers 29877  
granted such status shall demonstrate sufficient financial and 29878  
administrative ability to assure that all obligations under this 29879  
section are promptly met. The administrator shall deny the 29880  
privilege where the employer is unable to demonstrate the 29881  
employer's ability to promptly meet all the obligations imposed on 29882  
the employer by this section. The administrator shall consider, 29883  
but is not limited to, the following factors, where applicable, in 29884  
determining the employer's ability to meet all of the obligations 29885  
imposed on the board as an employer by this section: 29886

(1) The board as an employer employs a minimum of five 29887  
hundred employees in this state; 29888

(2) The board has operated in this state for a minimum of two 29889  
years; 29890

(3) Where the board previously contributed to the state 29891  
insurance fund or is a successor employer as defined by bureau 29892  
rules, the amount of the buyout, as defined by bureau rules; 29893

(4) The sufficiency of the board's assets located in this 29894  
state to insure the board's solvency in paying compensation 29895  
directly; 29896

(5) The financial records, documents, and data, certified by 29897  
a certified public accountant, necessary to provide the board's 29898  
full financial disclosure. The records, documents, and data 29899  
include, but are not limited to, balance sheets and profit and 29900  
loss history for the current year and previous four years. 29901

(6) The board's organizational plan for the administration of 29902  
the workers' compensation law; 29903

(7) The board's proposed plan to inform employees of the 29904  
proposed self-insurance, the procedures the board will follow as a 29905  
self-insuring employer, and the employees' rights to compensation 29906

and benefits; 29907

(8) The board has either an account in a financial 29908  
institution in this state, or if the board maintains an account 29909  
with a financial institution outside this state, ensures that 29910  
workers' compensation checks are drawn from the same account as 29911  
payroll checks or the board clearly indicates that payment will be 29912  
honored by a financial institution in this state; 29913

(9) The board shall provide the administrator a surety bond 29914  
in an amount equal to one hundred twenty-five per cent of the 29915  
projected losses as determined by the administrator. 29916

(D) The administrator shall require a surety bond from all 29917  
self-insuring employers, issued pursuant to section 4123.351 of 29918  
the Revised Code, that is sufficient to compel, or secure to 29919  
injured employees, or to the dependents of employees killed, the 29920  
payment of compensation and expenses, which shall in no event be 29921  
less than that paid or furnished out of the state insurance fund 29922  
in similar cases to injured employees or to dependents of killed 29923  
employees whose employers contribute to the fund, except when an 29924  
employee of the employer, who has suffered the loss of a hand, 29925  
arm, foot, leg, or eye prior to the injury for which compensation 29926  
is to be paid, and thereafter suffers the loss of any other of the 29927  
members as the result of any injury sustained in the course of and 29928  
arising out of the employee's employment, the compensation to be 29929  
paid by the self-insuring employer is limited to the disability 29930  
suffered in the subsequent injury, additional compensation, if 29931  
any, to be paid by the bureau out of the surplus created by 29932  
section 4123.34 of the Revised Code. 29933

(E) In addition to the requirements of this section, the 29934  
administrator shall make and publish rules governing the manner of 29935  
making application and the nature and extent of the proof required 29936  
to justify a finding of fact by the administrator as to granting 29937  
the status of a self-insuring employer, which rules shall be 29938

general in their application, one of which rules shall provide 29939  
that all self-insuring employers shall pay into the state 29940  
insurance fund such amounts as are required to be credited to the 29941  
surplus fund in division (B) of section 4123.34 of the Revised 29942  
Code. The administrator may adopt rules establishing requirements 29943  
in addition to the requirements described in division (B)(2) of 29944  
this section that a public employer shall meet in order to qualify 29945  
for self-insuring status. 29946

Employers shall secure directly from the bureau central 29947  
offices application forms upon which the bureau shall stamp a 29948  
designating number. Prior to submission of an application, an 29949  
employer shall make available to the bureau, and the bureau shall 29950  
review, the information described in division (B)(1) of this 29951  
section, and public employers shall make available, and the bureau 29952  
shall review, the information necessary to verify whether the 29953  
public employer meets the requirements listed in division (B)(2) 29954  
of this section. An employer shall file the completed application 29955  
forms with an application fee, which shall cover the costs of 29956  
processing the application, as established by the administrator, 29957  
by rule, with the bureau at least ninety days prior to the 29958  
effective date of the employer's new status as a self-insuring 29959  
employer. The application form is not deemed complete until all 29960  
the required information is attached thereto. The bureau shall 29961  
only accept applications that contain the required information. 29962

(F) The bureau shall review completed applications within a 29963  
reasonable time. If the bureau determines to grant an employer the 29964  
status as a self-insuring employer, the bureau shall issue a 29965  
statement, containing its findings of fact, that is prepared by 29966  
the bureau and signed by the administrator. If the bureau 29967  
determines not to grant the status as a self-insuring employer, 29968  
the bureau shall notify the employer of the determination and 29969  
require the employer to continue to pay its full premium into the 29970

state insurance fund. The administrator also shall adopt rules 29971  
establishing a minimum level of performance as a criterion for 29972  
granting and maintaining the status as a self-insuring employer 29973  
and fixing time limits beyond which failure of the self-insuring 29974  
employer to provide for the necessary medical examinations and 29975  
evaluations may not delay a decision on a claim. 29976

(G) The administrator shall adopt rules setting forth 29977  
procedures for auditing the program of self-insuring employers. 29978  
The bureau shall conduct the audit upon a random basis or whenever 29979  
the bureau has grounds for believing that a self-insuring employer 29980  
is not in full compliance with bureau rules or this chapter. 29981

The administrator shall monitor the programs conducted by 29982  
self-insuring employers, to ensure compliance with bureau 29983  
requirements and for that purpose, shall develop and issue to 29984  
self-insuring employers standardized forms for use by the 29985  
self-insuring employer in all aspects of the self-insuring 29986  
employers' direct compensation program and for reporting of 29987  
information to the bureau. 29988

The bureau shall receive and transmit to the self-insuring 29989  
employer all complaints concerning any self-insuring employer. In 29990  
the case of a complaint against a self-insuring employer, the 29991  
administrator shall handle the complaint through the 29992  
self-insurance division of the bureau. The bureau shall maintain a 29993  
file by employer of all complaints received that relate to the 29994  
employer. The bureau shall evaluate each complaint and take 29995  
appropriate action. 29996

The administrator shall adopt as a rule a prohibition against 29997  
any self-insuring employer from harassing, dismissing, or 29998  
otherwise disciplining any employee making a complaint, which rule 29999  
shall provide for a financial penalty to be levied by the 30000  
administrator payable by the offending self-insuring employer. 30001

(H) For the purpose of making determinations as to whether to grant status as a self-insuring employer, the administrator may subscribe to and pay for a credit reporting service that offers financial and other business information about individual employers. The costs in connection with the bureau's subscription or individual reports from the service about an applicant may be included in the application fee charged employers under this section.

(I) The administrator, notwithstanding other provisions of this chapter, may permit a self-insuring employer to resume payment of premiums to the state insurance fund with appropriate credit modifications to the employer's basic premium rate as such rate is determined pursuant to section 4123.29 of the Revised Code.

(J) On the first day of July of each year, the administrator shall calculate separately each self-insuring employer's assessments for the safety and hygiene fund, administrative costs pursuant to section 4123.342 of the Revised Code, and for the portion of the surplus fund under division (B) of section 4123.34 of the Revised Code that is not used for handicapped reimbursement, on the basis of the paid compensation attributable to the individual self-insuring employer according to the following calculation:

(1) The total assessment against all self-insuring employers as a class for each fund and for the administrative costs for the year that the assessment is being made, as determined by the administrator, divided by the total amount of paid compensation for the previous calendar year attributable to all amenable self-insuring employers;

(2) Multiply the quotient in division (J)(1) of this section by the total amount of paid compensation for the previous calendar year that is attributable to the individual self-insuring employer

for whom the assessment is being determined. Each self-insuring 30034  
employer shall pay the assessment that results from this 30035  
calculation, unless the assessment resulting from this calculation 30036  
falls below a minimum assessment, which minimum assessment the 30037  
administrator shall determine on the first day of July of each 30038  
year with the advice and consent of the workers' compensation 30039  
oversight commission, in which event, the self-insuring employer 30040  
shall pay the minimum assessment. 30041

In determining the total amount due for the total assessment 30042  
against all self-insuring employers as a class for each fund and 30043  
the administrative assessment, the administrator shall reduce 30044  
proportionately the total for each fund and assessment by the 30045  
amount of money in the self-insurance assessment fund as of the 30046  
date of the computation of the assessment. 30047

The administrator shall calculate the assessment for the 30048  
portion of the surplus fund under division (B) of section 4123.34 30049  
of the Revised Code that is used for handicapped reimbursement in 30050  
the same manner as set forth in divisions (J)(1) and (2) of this 30051  
section except that the administrator shall calculate the total 30052  
assessment for this portion of the surplus fund only on the basis 30053  
of those self-insuring employers that retain participation in the 30054  
handicapped reimbursement program and the individual self-insuring 30055  
employer's proportion of paid compensation shall be calculated 30056  
only for those self-insuring employers who retain participation in 30057  
the handicapped reimbursement program. The administrator, as the 30058  
administrator determines appropriate, may determine the total 30059  
assessment for the handicapped portion of the surplus fund in 30060  
accordance with sound actuarial principles. 30061

The administrator shall calculate the assessment for the 30062  
portion of the surplus fund under division (B) of section 4123.34 30063  
of the Revised Code that under division (D) of section 4121.66 of 30064  
the Revised Code is used for rehabilitation costs in the same 30065

manner as set forth in divisions (J)(1) and (2) of this section, 30066  
except that the administrator shall calculate the total assessment 30067  
for this portion of the surplus fund only on the basis of those 30068  
self-insuring employers who have not made the election to make 30069  
payments directly under division (D) of section 4121.66 of the 30070  
Revised Code and an individual self-insuring employer's proportion 30071  
of paid compensation only for those self-insuring employers who 30072  
have not made that election. 30073

The administrator shall calculate the assessment for the 30074  
portion of the surplus fund under division (B) of section 4123.34 30075  
of the Revised Code that is used for reimbursement to a 30076  
self-insuring employer under division (H) of section 4123.512 of 30077  
the Revised Code in the same manner as set forth in divisions 30078  
(J)(1) and (2) of this section except that the administrator shall 30079  
calculate the total assessment for this portion of the surplus 30080  
fund only on the basis of those self-insuring employers that 30081  
retain participation in reimbursement to the self-insuring 30082  
employer under division (H) of section 4123.512 of the Revised 30083  
Code and the individual self-insuring employer's proportion of 30084  
paid compensation shall be calculated only for those self-insuring 30085  
employers who retain participation in reimbursement to the 30086  
self-insuring employer under division (H) of section 4123.512 of 30087  
the Revised Code. 30088

An employer who no longer is a self-insuring employer in this 30089  
state or who no longer is operating in this state, shall continue 30090  
to pay assessments for administrative costs and for the portion of 30091  
the surplus fund under division (B) of section 4123.34 of the 30092  
Revised Code that is not used for handicapped reimbursement, based 30093  
upon paid compensation attributable to claims that occurred while 30094  
the employer was a self-insuring employer within this state. 30095

(K) There is hereby created in the state treasury the 30096  
self-insurance assessment fund. All investment earnings of the 30097

fund shall be deposited in the fund. The administrator shall use 30098  
the money in the self-insurance assessment fund only for 30099  
administrative costs as specified in section 4123.341 of the 30100  
Revised Code. 30101

(L) Every self-insuring employer shall certify, in affidavit 30102  
form subject to the penalty for perjury, to the bureau the amount 30103  
of the self-insuring employer's paid compensation for the previous 30104  
calendar year. In reporting paid compensation paid for the 30105  
previous year, a self-insuring employer shall exclude from the 30106  
total amount of paid compensation any reimbursement the 30107  
self-insuring employer receives in the previous calendar year from 30108  
the surplus fund pursuant to section 4123.512 of the Revised Code 30109  
for any paid compensation. The self-insuring employer also shall 30110  
exclude from the paid compensation reported any amount recovered 30111  
under section 4123.931 of the Revised Code and any amount that is 30112  
determined not to have been payable to or on behalf of a claimant 30113  
in any final administrative or judicial proceeding. The 30114  
self-insuring employer shall exclude such amounts from the paid 30115  
compensation reported in the reporting period subsequent to the 30116  
date the determination is made. The administrator shall adopt 30117  
rules, in accordance with Chapter 119. of the Revised Code, that 30118  
provide for all of the following: 30119

(1) Establishing the date by which self-insuring employers 30120  
must submit such information and the amount of the assessments 30121  
provided for in division (J) of this section for employers who 30122  
have been granted self-insuring status within the last calendar 30123  
year; 30124

(2) If an employer fails to pay the assessment when due, the 30125  
administrator may add a late fee penalty of not more than five 30126  
hundred dollars to the assessment plus an additional penalty 30127  
amount as follows: 30128

(a) For an assessment from sixty-one to ninety days past due, 30129

the prime interest rate, multiplied by the assessment due; 30130

(b) For an assessment from ninety-one to one hundred twenty 30131  
days past due, the prime interest rate plus two per cent, 30132  
multiplied by the assessment due; 30133

(c) For an assessment from one hundred twenty-one to one 30134  
hundred fifty days past due, the prime interest rate plus four per 30135  
cent, multiplied by the assessment due; 30136

(d) For an assessment from one hundred fifty-one to one 30137  
hundred eighty days past due, the prime interest rate plus six per 30138  
cent, multiplied by the assessment due; 30139

(e) For an assessment from one hundred eighty-one to two 30140  
hundred ten days past due, the prime interest rate plus eight per 30141  
cent, multiplied by the assessment due; 30142

(f) For each additional thirty-day period or portion thereof 30143  
that an assessment remains past due after it has remained past due 30144  
for more than two hundred ten days, the prime interest rate plus 30145  
eight per cent, multiplied by the assessment due. 30146

(3) An employer may appeal a late fee penalty and penalty 30147  
assessment to the administrator. 30148

For purposes of this division, "prime interest rate" means 30149  
the average bank prime rate, and the administrator shall determine 30150  
the prime interest rate in the same manner as a county auditor 30151  
determines the average bank prime rate under section 929.02 of the 30152  
Revised Code. 30153

The administrator shall include any assessment and penalties 30154  
that remain unpaid for previous assessment periods in the 30155  
calculation and collection of any assessments due under this 30156  
division or division (J) of this section. 30157

(M) As used in this section, "paid compensation" means all 30158  
amounts paid by a self-insuring employer for living maintenance 30159

benefits, all amounts for compensation paid pursuant to sections 30160  
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 30161  
4123.64 of the Revised Code, all amounts paid as wages in lieu of 30162  
such compensation, all amounts paid in lieu of such compensation 30163  
under a nonoccupational accident and sickness program fully funded 30164  
by the self-insuring employer, and all amounts paid by a 30165  
self-insuring employer for a violation of a specific safety 30166  
standard pursuant to Section 35 of Article II, Ohio Constitution 30167  
and section 4121.47 of the Revised Code. 30168

(N) Should any section of this chapter or Chapter 4121. of 30169  
the Revised Code providing for self-insuring employers' 30170  
assessments based upon compensation paid be declared 30171  
unconstitutional by a final decision of any court, then that 30172  
section of the Revised Code declared unconstitutional shall revert 30173  
back to the section in existence prior to November 3, 1989, 30174  
providing for assessments based upon payroll. 30175

(O) The administrator may grant a self-insuring employer the 30176  
privilege to self-insure a construction project entered into by 30177  
the self-insuring employer that is scheduled for completion within 30178  
six years after the date the project begins, and the total cost of 30179  
which is estimated to exceed one hundred million dollars or, for 30180  
employers described in division (R) of this section, if the 30181  
construction project is estimated to exceed twenty-five million 30182  
dollars. The administrator may waive such cost and time criteria 30183  
and grant a self-insuring employer the privilege to self-insure a 30184  
construction project regardless of the time needed to complete the 30185  
construction project and provided that the cost of the 30186  
construction project is estimated to exceed fifty million dollars. 30187  
A self-insuring employer who desires to self-insure a construction 30188  
project shall submit to the administrator an application listing 30189  
the dates the construction project is scheduled to begin and end, 30190  
the estimated cost of the construction project, the contractors 30191

and subcontractors whose employees are to be self-insured by the 30192  
self-insuring employer, the provisions of a safety program that is 30193  
specifically designed for the construction project, and a 30194  
statement as to whether a collective bargaining agreement 30195  
governing the rights, duties, and obligations of each of the 30196  
parties to the agreement with respect to the construction project 30197  
exists between the self-insuring employer and a labor 30198  
organization. 30199

A self-insuring employer may apply to self-insure the 30200  
employees of either of the following: 30201

(1) All contractors and subcontractors who perform labor or 30202  
work or provide materials for the construction project; 30203

(2) All contractors and, at the administrator's discretion, a 30204  
substantial number of all the subcontractors who perform labor or 30205  
work or provide materials for the construction project. 30206

Upon approval of the application, the administrator shall 30207  
mail a certificate granting the privilege to self-insure the 30208  
construction project to the self-insuring employer. The 30209  
certificate shall contain the name of the self-insuring employer 30210  
and the name, address, and telephone number of the self-insuring 30211  
employer's representatives who are responsible for administering 30212  
workers' compensation claims for the construction project. The 30213  
self-insuring employer shall post the certificate in a conspicuous 30214  
place at the site of the construction project. 30215

The administrator shall maintain a record of the contractors 30216  
and subcontractors whose employees are covered under the 30217  
certificate issued to the self-insured employer. A self-insuring 30218  
employer immediately shall notify the administrator when any 30219  
contractor or subcontractor is added or eliminated from inclusion 30220  
under the certificate. 30221

Upon approval of the application, the self-insuring employer 30222

is responsible for the administration and payment of all claims 30223  
under this chapter and Chapter 4121. of the Revised Code for the 30224  
employees of the contractor and subcontractors covered under the 30225  
certificate who receive injuries or are killed in the course of 30226  
and arising out of employment on the construction project, or who 30227  
contract an occupational disease in the course of employment on 30228  
the construction project. For purposes of this chapter and Chapter 30229  
4121. of the Revised Code, a claim that is administered and paid 30230  
in accordance with this division is considered a claim against the 30231  
self-insuring employer listed in the certificate. A contractor or 30232  
subcontractor included under the certificate shall report to the 30233  
self-insuring employer listed in the certificate, all claims that 30234  
arise under this chapter and Chapter 4121. of the Revised Code in 30235  
connection with the construction project for which the certificate 30236  
is issued. 30237

A self-insuring employer who complies with this division is 30238  
entitled to the protections provided under this chapter and 30239  
Chapter 4121. of the Revised Code with respect to the employees of 30240  
the contractors and subcontractors covered under a certificate 30241  
issued under this division for death or injuries that arise out 30242  
of, or death, injuries, or occupational diseases that arise in the 30243  
course of, those employees' employment on that construction 30244  
project, as if the employees were employees of the self-insuring 30245  
employer, provided that the self-insuring employer also complies 30246  
with this section. No employee of the contractors and 30247  
subcontractors covered under a certificate issued under this 30248  
division shall be considered the employee of the self-insuring 30249  
employer listed in that certificate for any purposes other than 30250  
this chapter and Chapter 4121. of the Revised Code. Nothing in 30251  
this division gives a self-insuring employer authority to control 30252  
the means, manner, or method of employment of the employees of the 30253  
contractors and subcontractors covered under a certificate issued 30254  
under this division. 30255

The contractors and subcontractors included under a certificate issued under this division are entitled to the protections provided under this chapter and Chapter 4121. of the Revised Code with respect to the contractor's or subcontractor's employees who are employed on the construction project which is the subject of the certificate, for death or injuries that arise out of, or death, injuries, or occupational diseases that arise in the course of, those employees' employment on that construction project.

The contractors and subcontractors included under a certificate issued under this division shall identify in their payroll records the employees who are considered the employees of the self-insuring employer listed in that certificate for purposes of this chapter and Chapter 4121. of the Revised Code, and the amount that those employees earned for employment on the construction project that is the subject of that certificate. Notwithstanding any provision to the contrary under this chapter and Chapter 4121. of the Revised Code, the administrator shall exclude the payroll that is reported for employees who are considered the employees of the self-insuring employer listed in that certificate, and that the employees earned for employment on the construction project that is the subject of that certificate, when determining those contractors' or subcontractors' premiums or assessments required under this chapter and Chapter 4121. of the Revised Code. A self-insuring employer issued a certificate under this division shall include in the amount of paid compensation it reports pursuant to division (L) of this section, the amount of paid compensation the self-insuring employer paid pursuant to this division for the previous calendar year.

Nothing in this division shall be construed as altering the rights of employees under this chapter and Chapter 4121. of the Revised Code as those rights existed prior to September 17, 1996.

Nothing in this division shall be construed as altering the rights 30288  
devolved under sections 2305.31 and 4123.82 of the Revised Code as 30289  
those rights existed prior to September 17, 1996. 30290

As used in this division, "privilege to self-insure a 30291  
construction project" means privilege to pay individually 30292  
compensation, and to furnish medical, surgical, nursing, and 30293  
hospital services and attention and funeral expenses directly to 30294  
injured employees or the dependents of killed employees. 30295

(P) A self-insuring employer whose application is granted 30296  
under division (O) of this section shall designate a safety 30297  
professional to be responsible for the administration and 30298  
enforcement of the safety program that is specifically designed 30299  
for the construction project that is the subject of the 30300  
application. 30301

A self-insuring employer whose application is granted under 30302  
division (O) of this section shall employ an ombudsperson for the 30303  
construction project that is the subject of the application. The 30304  
ombudsperson shall have experience in workers' compensation or the 30305  
construction industry, or both. The ombudsperson shall perform all 30306  
of the following duties: 30307

(1) Communicate with and provide information to employees who 30308  
are injured in the course of, or whose injury arises out of 30309  
employment on the construction project, or who contract an 30310  
occupational disease in the course of employment on the 30311  
construction project; 30312

(2) Investigate the status of a claim upon the request of an 30313  
employee to do so; 30314

(3) Provide information to claimants, third party 30315  
administrators, employers, and other persons to assist those 30316  
persons in protecting their rights under this chapter and Chapter 30317  
4121. of the Revised Code. 30318

A self-insuring employer whose application is granted under 30319  
division (O) of this section shall post the name of the safety 30320  
professional and the ombudsperson and instructions for contacting 30321  
the safety professional and the ombudsperson in a conspicuous 30322  
place at the site of the construction project. 30323

(Q) The administrator may consider all of the following when 30324  
deciding whether to grant a self-insuring employer the privilege 30325  
to self-insure a construction project as provided under division 30326  
(O) of this section: 30327

(1) Whether the self-insuring employer has an organizational 30328  
plan for the administration of the workers' compensation law; 30329

(2) Whether the safety program that is specifically designed 30330  
for the construction project provides for the safety of employees 30331  
employed on the construction project, is applicable to all 30332  
contractors and subcontractors who perform labor or work or 30333  
provide materials for the construction project, and has as a 30334  
component, a safety training program that complies with standards 30335  
adopted pursuant to the "Occupational Safety and Health Act of 30336  
1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing 30337  
management and employee involvement; 30338

(3) Whether granting the privilege to self-insure the 30339  
construction project will reduce the costs of the construction 30340  
project; 30341

(4) Whether the self-insuring employer has employed an 30342  
ombudsperson as required under division (P) of this section; 30343

(5) Whether the self-insuring employer has sufficient surety 30344  
to secure the payment of claims for which the self-insuring 30345  
employer would be responsible pursuant to the granting of the 30346  
privilege to self-insure a construction project under division (O) 30347  
of this section. 30348

(R) As used in divisions (O), (P), and (Q), "self-insuring 30349

employer" includes the following employers, whether or not they 30350  
have been granted the status of being a self-insuring employer 30351  
under division (B) of this section: 30352

(1) A state institution of higher education; 30353

(2) A school district; 30354

(3) A county school financing district; 30355

(4) An educational service center; 30356

(5) A community school established under Chapter 3314. of the 30357  
Revised Code. 30358

(S) As used in this section: 30359

(1) "Unvoted debt capacity" means the amount of money that a 30360  
public employer may borrow without voter approval of a tax levy; 30361

(2) "State institution of higher education" means the state 30362  
universities listed in section 3345.011 of the Revised Code, 30363  
community colleges created pursuant to Chapter 3354. of the 30364  
Revised Code, university branches created pursuant to Chapter 30365  
3355. of the Revised Code, technical colleges created pursuant to 30366  
Chapter 3357. of the Revised Code, and state community colleges 30367  
created pursuant to Chapter 3358. of the Revised Code. 30368

**Sec. 4141.09.** (A) There is hereby created an unemployment 30369  
compensation fund to be administered by the state without 30370  
liability on the part of the state beyond the amounts paid into 30371  
the fund and earned by the fund. The unemployment compensation 30372  
fund shall consist of all contributions, payments in lieu of 30373  
contributions described in sections 4141.241 and 4141.242 of the 30374  
Revised Code, reimbursements of the federal share of extended 30375  
benefits described in section 4141.301 of the Revised Code, 30376  
collected under sections 4141.01 to 4141.46 of the Revised Code, 30377  
together with all interest earned upon any moneys deposited with 30378  
the secretary of the treasury of the United States to the credit 30379

of the account of this state in the unemployment trust fund 30380  
established and maintained pursuant to section 904 of the "Social 30381  
Security Act," any property or securities acquired through the use 30382  
of moneys belonging to the fund, and all earnings of such property 30383  
or securities. The unemployment compensation fund shall be used to 30384  
pay benefits and refunds as provided by such sections and for no 30385  
other purpose. 30386

(B) The treasurer of state shall be the custodian of the 30387  
unemployment compensation fund and shall administer such fund in 30388  
accordance with the directions of the director of job and family 30389  
services. All disbursements therefrom shall be paid by the 30390  
treasurer of state on warrants drawn by the director. Such 30391  
warrants may bear the facsimile signature of the director printed 30392  
thereon and that of a deputy or other employee of the director 30393  
charged with the duty of keeping the account of the unemployment 30394  
compensation fund and with the preparation of warrants for the 30395  
payment of benefits to the persons entitled thereto. Moneys in the 30396  
clearing and benefit accounts shall not be commingled with other 30397  
state funds, except as provided in division (C) of this section, 30398  
but shall be maintained in separate accounts on the books of the 30399  
depository bank. Such money shall be secured by the depository 30400  
bank to the same extent and in the same manner as required by 30401  
sections 135.01 to 135.21 of the Revised Code; and collateral 30402  
pledged for this purpose shall be kept separate and distinct from 30403  
any collateral pledged to secure other funds of this state. All 30404  
sums recovered for losses sustained by the unemployment 30405  
compensation fund shall be deposited therein. The treasurer of 30406  
state shall be liable on the treasurer's official bond for the 30407  
faithful performance of the treasurer's duties in connection with 30408  
the unemployment compensation fund, such liability to exist in 30409  
addition to any liability upon any separate bond. 30410

(C) The treasurer of state shall maintain within the 30411

unemployment compensation fund three separate accounts which shall 30412  
be a clearing account, ~~an unemployment~~ a trust fund account, and a 30413  
benefit account. All moneys payable to the unemployment 30414  
compensation fund, upon receipt ~~thereof~~ by the director, shall be 30415  
forwarded to the treasurer of state, who shall immediately deposit 30416  
them in the clearing account. Refunds of contributions, or 30417  
payments in lieu of contributions, payable pursuant to division 30418  
(E) of this section may be paid from the clearing account upon 30419  
warrants signed by a deputy or other employee of the director 30420  
charged with the duty of keeping the record of the clearing 30421  
account and with the preparation of warrants for the payment of 30422  
refunds to persons entitled thereto. After clearance thereof, all 30423  
moneys in the clearing account shall be deposited with the 30424  
secretary of the treasury of the United States to the credit of 30425  
the account of this state in the unemployment trust fund 30426  
established and maintained pursuant to section 904 of the "Social 30427  
Security Act," in accordance with requirements of the "Federal 30428  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 30429  
3304(a)(3), any law in this state relating to the deposit, 30430  
administration, release, or disbursement of moneys in the 30431  
possession or custody of this state to the contrary 30432  
notwithstanding. The benefit account shall consist of all moneys 30433  
requisitioned from this state's account in the unemployment trust 30434  
fund. Federal funds, ~~other than funds received by the director~~ 30435  
~~under divisions (I) and (J) of this section, received for payment~~ 30436  
~~of federal benefits~~ may be deposited, at the director's 30437  
discretion, into the benefit account. Any funds deposited into the 30438  
benefit account shall be disbursed solely for payment of benefits 30439  
under a federal program administered by this state. ~~Moneys so~~ 30440  
~~requisitioned shall be used solely for the payment of benefits and~~ 30441  
for no other purpose. Moneys in the clearing and benefit accounts 30442  
may be deposited by the treasurer of state, under the direction of 30443  
the director, in any bank or public depository in which general 30444

funds of the state may be deposited, but no public deposit 30445  
insurance charge or premium shall be paid out of the fund. 30446

(D) Moneys shall be requisitioned from this state's account 30447  
in the unemployment trust fund solely for the payment of benefits 30448  
and in accordance with regulations prescribed by the director. The 30449  
director shall requisition from the unemployment trust fund such 30450  
amounts, not exceeding the amount standing to this state's account 30451  
therein, as are deemed necessary for the payment of benefits for a 30452  
reasonable future period. Upon receipt thereof, the treasurer of 30453  
state shall deposit such moneys in the benefit account. 30454  
Expenditures of such money in the benefit account and refunds from 30455  
the clearing account shall not require specific appropriations or 30456  
other formal release by state officers of money in their custody. 30457  
Any balance of moneys requisitioned from the unemployment trust 30458  
fund which remains unclaimed or unpaid in the benefit account 30459  
after the expiration of the period for which such sums were 30460  
requisitioned shall either be deducted from estimates for and may 30461  
be utilized for the payment of benefits during succeeding periods, 30462  
or, in the discretion of the director, shall be redeposited with 30463  
the secretary of the treasury of the United States to the credit 30464  
of this state's account in the unemployment trust fund, as 30465  
provided in division (C) of this section. Unclaimed or unpaid 30466  
federal funds redeposited with the secretary of the treasury of 30467  
the United States shall be credited to the appropriate federal 30468  
account. 30469

(E) No claim for an adjustment or a refund on contribution, 30470  
payment in lieu of contributions, interest, or forfeiture alleged 30471  
to have been erroneously or illegally assessed or collected, or 30472  
alleged to have been collected without authority, and no claim for 30473  
an adjustment or a refund of any sum alleged to have been 30474  
excessive or in any manner wrongfully collected shall be allowed 30475  
unless an application, in writing, therefor is made within four 30476

years from the date on which such payment was made. If the 30477  
director determines that such contribution, payment in lieu of 30478  
contributions, interest, or forfeiture, or any portion thereof, 30479  
was erroneously collected, the director shall allow such employer 30480  
to make an adjustment thereof without interest in connection with 30481  
subsequent contribution payments, or payments in lieu of 30482  
contributions, by the employer, or the director may refund said 30483  
amount, without interest, from the clearing account of the 30484  
unemployment compensation fund, except as provided in division (B) 30485  
of section 4141.11 of the Revised Code. For like cause and within 30486  
the same period, adjustment or refund may be so made on the 30487  
director's own initiative. An overpayment of contribution, payment 30488  
in lieu of contributions, interest, or forfeiture for which an 30489  
employer has not made application for refund prior to the date of 30490  
sale of the employer's business shall accrue to the employer's 30491  
successor in interest. 30492

An application for an adjustment or a refund, or any portion 30493  
thereof, that is rejected is binding upon the employer unless, 30494  
within thirty days after the mailing of a written notice of 30495  
rejection to the employer's last known address, or, in the absence 30496  
of mailing of such notice, within thirty days after the delivery 30497  
of such notice, the employer files an application for a review and 30498  
redetermination setting forth the reasons therefor. The director 30499  
shall promptly examine the application for review and 30500  
redetermination, and if a review is granted, the employer shall be 30501  
promptly notified thereof, and shall be granted an opportunity for 30502  
a prompt hearing. 30503

(F) If the director finds that contributions have been paid 30504  
to the director in error, and that such contributions should have 30505  
been paid to a department of another state or of the United States 30506  
charged with the administration of an unemployment compensation 30507  
law, the director may upon request by such department or upon the 30508

director's own initiative transfer to such department the amount 30509  
of such contributions, less any benefits paid to claimants whose 30510  
wages were the basis for such contributions. The director may 30511  
request and receive from such department any contributions or 30512  
adjusted contributions paid in error to such department which 30513  
should have been paid to the director. 30514

(G) In accordance with section 303(c)(3) of the Social 30515  
Security Act, and section 3304(a)(17) of the Internal Revenue Code 30516  
of 1954 for continuing certification of Ohio unemployment 30517  
compensation laws for administrative grants and for tax credits, 30518  
any interest required to be paid on advances under Title XII of 30519  
the Social Security Act shall be paid in a timely manner and shall 30520  
not be paid, directly or indirectly, by an equivalent reduction in 30521  
the Ohio unemployment taxes or otherwise, by the state from 30522  
amounts in the unemployment compensation fund. 30523

(H) The treasurer of state, under the direction of the 30524  
director and in accordance with the "Cash Management Improvement 30525  
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 30526  
amounts of interest earned by the state on funds in the benefit 30527  
account established pursuant to division (C) of this section into 30528  
the department of job and family services banking fees fund, which 30529  
is hereby created in the state treasury for the purpose of paying 30530  
related banking costs incurred by the state for the period for 30531  
which the interest is calculated, except that if the deposited 30532  
interest exceeds the banking costs incurred by the state for the 30533  
period for which the interest is calculated, the treasurer of 30534  
state shall deposit the excess interest into the unemployment 30535  
trust fund. 30536

~~(I) The treasurer of state, under the direction of the 30537  
director, shall deposit federal funds received by the director for 30538  
the payment of benefits, job search, relocation, transportation, 30539  
and subsistence allowances pursuant to the "Trade Act of 1974," 88 30540~~

~~Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American Free Trade Implementation Act of 1993," 107 Stat. 2057, 19 U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 3801, as amended, into the Trade Act benefit account, which is hereby created for the purpose of making payments specified under those acts.~~

~~(J) The treasurer of state, under the direction of the director, shall deposit federal funds received by the director for training and administration and for payment of benefits, job search, relocation, transportation, and subsistence allowances pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American Free Trade Agreement Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 3801, as amended, into the Trade Act training and administration account, which is hereby created for the purpose of making payments specified under those acts. The treasurer of state, under the direction of the director, may transfer funds from the Trade Act training and administration account to the benefit account for the purpose of making any payments directly to claimants for benefits, job search, relocation, transportation, and subsistence allowances, as specified by those acts.~~

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of the Revised Code:

(1) "Gallon" or "wine gallon" means one hundred twenty-eight fluid ounces.

(2) "Sale" or "sell" includes exchange, barter, gift, distribution, and, except with respect to A-4 permit holders, offer for sale.

(B) For the purposes of providing revenues for the support of the state and encouraging the grape industries in the state, a tax

is hereby levied on the sale or distribution of wine in Ohio, 30572  
except for known sacramental purposes, at the rate of thirty cents 30573  
per wine gallon for wine containing not less than four per cent of 30574  
alcohol by volume and not more than fourteen per cent of alcohol 30575  
by volume, ninety-eight cents per wine gallon for wine containing 30576  
more than fourteen per cent but not more than twenty-one per cent 30577  
of alcohol by volume, one dollar and eight cents per wine gallon 30578  
for vermouth, and one dollar and forty-eight cents per wine gallon 30579  
for sparkling and carbonated wine and champagne, the tax to be 30580  
paid by the holders of A-2 and B-5 permits or by any other person 30581  
selling or distributing wine upon which no tax has been paid. From 30582  
the tax paid under this section on wine, vermouth, and sparkling 30583  
and carbonated wine and champagne, the treasurer of state shall 30584  
credit to the Ohio grape industries fund created under section 30585  
924.54 of the Revised Code a sum equal to one cent per gallon for 30586  
each gallon upon which the tax is paid. 30587

(C) For the purpose of providing revenues for the support of 30588  
the state, there is hereby levied a tax on prepared and bottled 30589  
highballs, cocktails, cordials, and other mixed beverages at the 30590  
rate of one dollar and twenty cents per wine gallon to be paid by 30591  
holders of A-4 permits or by any other person selling or 30592  
distributing those products upon which no tax has been paid. Only 30593  
one sale of the same article shall be used in computing the amount 30594  
of tax due. The tax on mixed beverages to be paid by holders of 30595  
A-4 permits under this section shall not attach until the 30596  
ownership of the mixed beverage is transferred for valuable 30597  
consideration to a wholesaler or retailer, and no payment of the 30598  
tax shall be required prior to that time. 30599

(D) During the period of July 1, ~~2005~~ 2007, through June 30, 30600  
~~2007~~ 2009, from the tax paid under this section on wine, vermouth, 30601  
and sparkling and carbonated wine and champagne, the treasurer of 30602  
state shall credit to the Ohio grape industries fund created under 30603

section 924.54 of the Revised Code a sum equal to two cents per 30604  
gallon upon which the tax is paid. The amount credited under this 30605  
division is in addition to the amount credited to the Ohio grape 30606  
industries fund under division (B) of this section. 30607

(E) For the purpose of providing revenues for the support of 30608  
the state, there is hereby levied a tax on cider at the rate of 30609  
twenty-four cents per wine gallon to be paid by the holders of A-2 30610  
and B-5 permits or by any other person selling or distributing 30611  
cider upon which no tax has been paid. Only one sale of the same 30612  
article shall be used in computing the amount of the tax due. 30613

**Sec. 4503.06.** (A) The owner of each manufactured or mobile 30614  
home that has acquired situs in this state shall pay either a real 30615  
property tax pursuant to Title LVII of the Revised Code or a 30616  
manufactured home tax pursuant to division (C) of this section. 30617

(B) The owner of a manufactured or mobile home shall pay real 30618  
property taxes if either of the following applies: 30619

(1) The manufactured or mobile home acquired situs in the 30620  
state or ownership in the home was transferred on or after January 30621  
1, 2000, and all of the following apply: 30622

(a) The home is affixed to a permanent foundation as defined 30623  
in division (C)(5) of section 3781.06 of the Revised Code. 30624

(b) The home is located on land that is owned by the owner of 30625  
the home. 30626

(c) The certificate of title has been inactivated by the 30627  
clerk of the court of common pleas that issued it, pursuant to 30628  
division (H) of section 4505.11 of the Revised Code. 30629

(2) The manufactured or mobile home acquired situs in the 30630  
state or ownership in the home was transferred before January 1, 30631  
2000, and all of the following apply: 30632

(a) The home is affixed to a permanent foundation as defined 30633

in division (C)(5) of section 3781.06 of the Revised Code. 30634

(b) The home is located on land that is owned by the owner of 30635  
the home. 30636

(c) The owner of the home has elected to have the home taxed 30637  
as real property and, pursuant to section 4505.11 of the Revised 30638  
Code, has surrendered the certificate of title to the auditor of 30639  
the county containing the taxing district in which the home has 30640  
its situs, together with proof that all taxes have been paid. 30641

(d) The county auditor has placed the home on the real 30642  
property tax list and delivered the certificate of title to the 30643  
clerk of the court of common pleas that issued it and the clerk 30644  
has inactivated the certificate. 30645

(C)(1) Any mobile or manufactured home that is not taxed as 30646  
real property as provided in division (B) of this section is 30647  
subject to an annual manufactured home tax, payable by the owner, 30648  
for locating the home in this state. The tax as levied in this 30649  
section is for the purpose of supplementing the general revenue 30650  
funds of the local subdivisions in which the home has its situs 30651  
pursuant to this section. 30652

(2) The year for which the manufactured home tax is levied 30653  
commences on the first day of January and ends on the following 30654  
thirty-first day of December. The state shall have the first lien 30655  
on any manufactured or mobile home on the list for the amount of 30656  
taxes, penalties, and interest charged against the owner of the 30657  
home under this section. The lien of the state for the tax for a 30658  
year shall attach on the first day of January to a home that has 30659  
acquired situs on that date. The lien for a home that has not 30660  
acquired situs on the first day of January, but that acquires 30661  
situs during the year, shall attach on the next first day of 30662  
January. The lien shall continue until the tax, including any 30663  
penalty or interest, is paid. 30664

(3)(a) The situs of a manufactured or mobile home located in this state on the first day of January is the local taxing district in which the home is located on that date.

(b) The situs of a manufactured or mobile home not located in this state on the first day of January, but located in this state subsequent to that date, is the local taxing district in which the home is located thirty days after it is acquired or first enters this state.

(4) The tax is collected by and paid to the county treasurer of the county containing the taxing district in which the home has its situs.

(D) The manufactured home tax shall be computed and assessed by the county auditor of the county containing the taxing district in which the home has its situs as follows:

(1) On a home that acquired situs in this state prior to January 1, 2000:

(a) By multiplying the assessable value of the home by the tax rate of the taxing district in which the home has its situs, and deducting from the product thus obtained any reduction authorized under section 4503.065 of the Revised Code. The tax levied under this formula shall not be less than thirty-six dollars, unless the home qualifies for a reduction in assessable value under section 4503.065 of the Revised Code, in which case there shall be no minimum tax and the tax shall be the amount calculated under this division.

(b) The assessable value of the home shall be forty per cent of the amount arrived at by the following computation:

(i) If the cost to the owner, or market value at time of purchase, whichever is greater, of the home includes the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule:

For the first calendar year			30696
in which the			30697
home is owned by the			30698
current owner	x	80%	30699
2nd calendar year	x	75%	30700
3rd "	x	70%	30701
4th "	x	65%	30702
5th "	x	60%	30703
6th "	x	55%	30704
7th "	x	50%	30705
8th "	x	45%	30706
9th "	x	40%	30707
10th and each year thereafter	x	35%	30708

The first calendar year means any period between the first 30709  
day of January and the thirty-first day of December of the first 30710  
year. 30711

(ii) If the cost to the owner, or market value at the time of 30712  
purchase, whichever is greater, of the home does not include the 30713  
furnishings and equipment, such cost or market value shall be 30714  
multiplied according to the following schedule: 30715

For the first calendar year			30716
in which the			30717
home is owned by the			30718
current owner	x	95%	30719
2nd calendar year	x	90%	30720
3rd "	x	85%	30721
4th "	x	80%	30722
5th "	x	75%	30723
6th "	x	70%	30724
7th "	x	65%	30725
8th "	x	60%	30726
9th "	x	55%	30727

10th and each year thereafter x 50% 30728

The first calendar year means any period between the first 30729  
day of January and the thirty-first day of December of the first 30730  
year. 30731

(2) On a home in which ownership was transferred or that 30732  
first acquired situs in this state on or after January 1, 2000: 30733

(a) By multiplying the assessable value of the home by the 30734  
effective tax rate, as defined in section 323.08 of the Revised 30735  
Code, for residential real property of the taxing district in 30736  
which the home has its situs, and deducting from the product thus 30737  
obtained the reductions required or authorized under section 30738  
319.302, division (B) of section 323.152, or section 4503.065 of 30739  
the Revised Code. 30740

(b) The assessable value of the home shall be thirty-five per 30741  
cent of its true value as determined under division (L) of this 30742  
section. 30743

(3) On or before the fifteenth day of January each year, the 30744  
county auditor shall record the assessable value and the amount of 30745  
tax on the manufactured or mobile home on the tax list and deliver 30746  
a duplicate of the list to the county treasurer. In the case of an 30747  
emergency as defined in section 323.17 of the Revised Code, the 30748  
tax commissioner, by journal entry, may extend the times for 30749  
delivery of the duplicate for an additional fifteen days upon 30750  
receiving a written application from the county auditor regarding 30751  
an extension for the delivery of the duplicate, or from the county 30752  
treasurer regarding an extension of the time for the billing and 30753  
collection of taxes. The application shall contain a statement 30754  
describing the emergency that will cause the unavoidable delay and 30755  
must be received by the tax commissioner on or before the last day 30756  
of the month preceding the day delivery of the duplicate is 30757  
otherwise required. When an extension is granted for delivery of 30758  
the duplicate, the time period for payment of taxes shall be 30759

extended for a like period of time. When a delay in the closing of a tax collection period becomes unavoidable, the tax commissioner, upon application by the county auditor and county treasurer, may order the time for payment of taxes to be extended if the tax commissioner determines that penalties have accrued or would otherwise accrue for reasons beyond the control of the taxpayers of the county. The order shall prescribe the final extended date for payment of taxes for that collection period.

(4) After January 1, 1999, the owner of a manufactured or mobile home taxed pursuant to division (D)(1) of this section may elect to have the home taxed pursuant to division (D)(2) of this section by filing a written request with the county auditor of the taxing district in which the home is located on or before the first day of December of any year. Upon the filing of the request, the county auditor shall determine whether all taxes levied under division (D)(1) of this section have been paid, and if those taxes have been paid, the county auditor shall tax the manufactured or mobile home pursuant to division (D)(2) of this section commencing in the next tax year.

(5) A manufactured or mobile home that acquired situs in this state prior to January 1, 2000, shall be taxed pursuant to division (D)(2) of this section if no manufactured home tax had been paid for the home and the home was not exempted from taxation pursuant to division (E) of this section for the year for which the taxes were not paid.

(6)(a) Immediately upon receipt of any manufactured home tax duplicate from the county auditor, but not less than twenty days prior to the last date on which the first one-half taxes may be paid without penalty as prescribed in division (F) of this section, the county treasurer shall cause to be prepared and mailed or delivered to each person charged on that duplicate with taxes, or to an agent designated by such person, the tax bill

prescribed by the tax commissioner under division (D)(7) of this 30792  
section. When taxes are paid by installments, the county treasurer 30793  
shall mail or deliver to each person charged on such duplicate or 30794  
the agent designated by that person a second tax bill showing the 30795  
amount due at the time of the second tax collection. The second 30796  
half tax bill shall be mailed or delivered at least twenty days 30797  
prior to the close of the second half tax collection period. A 30798  
change in the mailing address of any tax bill shall be made in 30799  
writing to the county treasurer. Failure to receive a bill 30800  
required by this section does not excuse failure or delay to pay 30801  
any taxes shown on the bill or, except as provided in division 30802  
(B)(1) of section 5715.39 of the Revised Code, avoid any penalty, 30803  
interest, or charge for such delay. 30804

(b) After delivery of the copy of the delinquent manufactured 30805  
home tax list under division (H) of this section, the county 30806  
treasurer may prepare and mail to each person in whose name a home 30807  
is listed an additional tax bill showing the total amount of 30808  
delinquent taxes charged against the home as shown on the list. 30809  
The tax bill shall include a notice that the interest charge 30810  
prescribed by division (G) of this section has begun to accrue. 30811

(7) Each tax bill prepared and mailed or delivered under 30812  
division (D)(6) of this section shall be in the form and contain 30813  
the information required by the tax commissioner. The commissioner 30814  
may prescribe different forms for each county and may authorize 30815  
the county auditor to make up tax bills and tax receipts to be 30816  
used by the county treasurer. The tax bill shall not contain or be 30817  
mailed or delivered with any information or material that is not 30818  
required by this section or that is not authorized by section 30819  
321.45 of the Revised Code or by the tax commissioner. In addition 30820  
to the information required by the commissioner, each tax bill 30821  
shall contain the following information: 30822

(a) The taxes levied and the taxes charged and payable 30823

against the manufactured or mobile home; 30824

(b) The following notice: "Notice: If the taxes are not paid 30825  
within sixty days after the county auditor delivers the delinquent 30826  
manufactured home tax list to the county treasurer, you and your 30827  
home may be subject to collection proceedings for tax 30828  
delinquency." Failure to provide such notice has no effect upon 30829  
the validity of any tax judgment to which a home may be subjected. 30830

(c) In the case of manufactured or mobile homes taxed under 30831  
division (D)(2) of this section, the following additional 30832  
information: 30833

(i) The effective tax rate. The words "effective tax rate" 30834  
shall appear in boldface type. 30835

(ii) The following notice: "Notice: If the taxes charged 30836  
against this home have been reduced by the 2-1/2 per cent tax 30837  
reduction for residences occupied by the owner but the home is not 30838  
a residence occupied by the owner, the owner must notify the 30839  
county auditor's office not later than March 31 of the year for 30840  
which the taxes are due. Failure to do so may result in the owner 30841  
being convicted of a fourth degree misdemeanor, which is 30842  
punishable by imprisonment up to 30 days, a fine up to \$250, or 30843  
both, and in the owner having to repay the amount by which the 30844  
taxes were erroneously or illegally reduced, plus any interest 30845  
that may apply. 30846

If the taxes charged against this home have not been reduced 30847  
by the 2-1/2 per cent tax reduction and the home is a residence 30848  
occupied by the owner, the home may qualify for the tax reduction. 30849  
To obtain an application for the tax reduction or further 30850  
information, the owner may contact the county auditor's office at 30851  
..... (insert the address and telephone number of the county 30852  
auditor's office)." 30853

(E)(1) A manufactured or mobile home is not subject to this 30854

section when any of the following applies: 30855

(a) It is taxable as personal property pursuant to section 30856  
5709.01 of the Revised Code. Any manufactured or mobile home that 30857  
is used as a residence shall be subject to this section and shall 30858  
not be taxable as personal property pursuant to section 5709.01 of 30859  
the Revised Code. 30860

(b) It bears a license plate issued by any state other than 30861  
this state unless the home is in this state in excess of an 30862  
accumulative period of thirty days in any calendar year. 30863

(c) The annual tax has been paid on the home in this state 30864  
for the current year. 30865

(d) The tax commissioner has determined, pursuant to section 30866  
5715.27 of the Revised Code, that the property is exempt from 30867  
taxation, or would be exempt from taxation under Chapter 5709. of 30868  
the Revised Code if it were classified as real property. 30869

(2) A travel trailer or park trailer, as these terms are 30870  
defined in section 4501.01 of the Revised Code, is not subject to 30871  
this section if it is unused or unoccupied and stored at the 30872  
owner's normal place of residence or at a recognized storage 30873  
facility. 30874

(3) A travel trailer or park trailer, as these terms are 30875  
defined in section 4501.01 of the Revised Code, is subject to this 30876  
section and shall be taxed as a manufactured or mobile home if it 30877  
has a situs longer than thirty days in one location and is 30878  
connected to existing utilities, unless either of the following 30879  
applies: 30880

(a) The situs is in a state facility or a camping or park 30881  
area as defined in division (C), (Q), (S), or (V) of section 30882  
3729.01 of the Revised Code. 30883

(b) The situs is in a camping or park area that is a tract of 30884

land that has been limited to recreational use by deed or zoning 30885  
restrictions and subdivided for sale of five or more individual 30886  
lots for the express or implied purpose of occupancy by either 30887  
self-contained recreational vehicles as defined in division (T) of 30888  
section 3729.01 of the Revised Code or by dependent recreational 30889  
vehicles as defined in division (D) of section 3729.01 of the 30890  
Revised Code. 30891

(F) Except as provided in division (D)(3) of this section, 30892  
the manufactured home tax is due and payable as follows: 30893

(1) When a manufactured or mobile home has a situs in this 30894  
state, as provided in this section, on the first day of January, 30895  
one-half of the amount of the tax is due and payable on or before 30896  
the first day of March and the balance is due and payable on or 30897  
before the thirty-first day of July. At the option of the owner of 30898  
the home, the tax for the entire year may be paid in full on the 30899  
first day of March. 30900

(2) When a manufactured or mobile home first acquires a situs 30901  
in this state after the first day of January, no tax is due and 30902  
payable for that year. 30903

(G)(1)(a) Except as otherwise provided in division (G)(1)(b) 30904  
of this section, if one-half of the current taxes charged under 30905  
this section against a manufactured or mobile home, together with 30906  
the full amount of any delinquent taxes, are not paid on or before 30907  
the first day of March in that year, or on or before the last day 30908  
for such payment as extended pursuant to section 4503.063 of the 30909  
Revised Code, a penalty of ten per cent shall be charged against 30910  
the unpaid balance of such half of the current taxes. If the total 30911  
amount of all such taxes is not paid on or before the thirty-first 30912  
day of July, next thereafter, or on or before the last day for 30913  
payment as extended pursuant to section 4503.063 of the Revised 30914  
Code, a like penalty shall be charged on the balance of the total 30915  
amount of the unpaid current taxes. 30916

(b) After a valid delinquent tax contract that includes 30917  
unpaid current taxes from a first-half collection period described 30918  
in division (F) of this section has been entered into under 30919  
section 323.31 of the Revised Code, no ten per cent penalty shall 30920  
be charged against such taxes after the second-half collection 30921  
period while the delinquent tax contract remains in effect. On the 30922  
day a delinquent tax contract becomes void, the ten per cent 30923  
penalty shall be charged against such taxes and shall equal the 30924  
amount of penalty that would have been charged against unpaid 30925  
current taxes outstanding on the date on which the second-half 30926  
penalty would have been charged thereon under division (G)(1)(a) 30927  
of this section if the contract had not been in effect. 30928

(2)(a) On the first day of the month following the last day 30929  
the second installment of taxes may be paid without penalty 30930  
beginning in 2000, interest shall be charged against and computed 30931  
on all delinquent taxes other than the current taxes that became 30932  
delinquent taxes at the close of the last day such second 30933  
installment could be paid without penalty. The charge shall be for 30934  
interest that accrued during the period that began on the 30935  
preceding first day of December and ended on the last day of the 30936  
month that included the last date such second installment could be 30937  
paid without penalty. The interest shall be computed at the rate 30938  
per annum prescribed by section 5703.47 of the Revised Code and 30939  
shall be entered as a separate item on the delinquent manufactured 30940  
home tax list compiled under division (H) of this section. 30941

(b) On the first day of December beginning in 2000, the 30942  
interest shall be charged against and computed on all delinquent 30943  
taxes. The charge shall be for interest that accrued during the 30944  
period that began on the first day of the month following the last 30945  
date prescribed for the payment of the second installment of taxes 30946  
in the current year and ended on the immediately preceding last 30947  
day of November. The interest shall be computed at the rate per 30948

annum prescribed by section 5703.47 of the Revised Code and shall 30949  
be entered as a separate item on the delinquent manufactured home 30950  
tax list. 30951

(c) After a valid undertaking has been entered into for the 30952  
payment of any delinquent taxes, no interest shall be charged 30953  
against such delinquent taxes while the undertaking remains in 30954  
effect in compliance with section 323.31 of the Revised Code. If a 30955  
valid undertaking becomes void, interest shall be charged against 30956  
the delinquent taxes for the periods that interest was not 30957  
permitted to be charged while the undertaking was in effect. The 30958  
interest shall be charged on the day the undertaking becomes void 30959  
and shall equal the amount of interest that would have been 30960  
charged against the unpaid delinquent taxes outstanding on the 30961  
dates on which interest would have been charged thereon under 30962  
divisions (G)(1) and (2) of this section had the undertaking not 30963  
been in effect. 30964

(3) If the full amount of the taxes due at either of the 30965  
times prescribed by division (F) of this section is paid within 30966  
ten days after such time, the county treasurer shall waive the 30967  
collection of and the county auditor shall remit one-half of the 30968  
penalty provided for in this division for failure to make that 30969  
payment by the prescribed time. 30970

(4) The treasurer shall compile and deliver to the county 30971  
auditor a list of all tax payments the treasurer has received as 30972  
provided in division (G)(3) of this section. The list shall 30973  
include any information required by the auditor for the remission 30974  
of the penalties waived by the treasurer. The taxes so collected 30975  
shall be included in the settlement next succeeding the settlement 30976  
then in process. 30977

(H)(1) Beginning in 2000, the county auditor shall compile 30978  
annually a "delinquent manufactured home tax list" consisting of 30979  
homes the county treasurer's records indicate have taxes that were 30980

not paid within the time prescribed by divisions (D)(3) and (F) of 30981  
this section, have taxes that remain unpaid from prior years, or 30982  
have unpaid tax penalties or interest that have been assessed. 30983

(2) Within thirty days after the settlement under division 30984  
(H)(2) of section 321.24 of the Revised Code beginning in 2000, 30985  
the county auditor shall deliver a copy of the delinquent 30986  
manufactured home tax list to the county treasurer. The auditor 30987  
shall update and publish the delinquent manufactured home tax list 30988  
annually in the same manner as delinquent real property tax lists 30989  
are published. The county auditor shall apportion the cost of 30990  
publishing the list among taxing districts in proportion to the 30991  
amount of delinquent manufactured home taxes so published that 30992  
each taxing district is entitled to receive upon collection of 30993  
those taxes. 30994

(3) When taxes, penalties, or interest are charged against a 30995  
person on the delinquent manufactured home tax list and are not 30996  
paid within sixty days after the list is delivered to the county 30997  
treasurer, the county treasurer shall, in addition to any other 30998  
remedy provided by law for the collection of taxes, penalties, and 30999  
interest, enforce collection of such taxes, penalties, and 31000  
interest by civil action in the name of the treasurer against the 31001  
owner for the recovery of the unpaid taxes following the 31002  
procedures for the recovery of delinquent real property taxes in 31003  
sections 323.25 to 323.28 of the Revised Code. The action may be 31004  
brought in municipal or county court, provided the amount charged 31005  
does not exceed the monetary limitations for original jurisdiction 31006  
for civil actions in those courts. 31007

It is sufficient, having made proper parties to the suit, for 31008  
the county treasurer to allege in the treasurer's bill of 31009  
particulars or petition that the taxes stand chargeable on the 31010  
books of the county treasurer against such person, that they are 31011  
due and unpaid, and that such person is indebted in the amount of 31012

taxes appearing to be due the county. The treasurer need not set 31013  
forth any other matter relating thereto. If it is found on the 31014  
trial of the action that the person is indebted to the state, 31015  
judgment shall be rendered in favor of the county treasurer 31016  
prosecuting the action. The judgment debtor is not entitled to the 31017  
benefit of any law for stay of execution or exemption of property 31018  
from levy or sale on execution in the enforcement of the judgment. 31019

Upon the filing of an entry of confirmation of sale or an 31020  
order of forfeiture in a proceeding brought under this division, 31021  
title to the manufactured or mobile home shall be in the 31022  
purchaser. The clerk of courts shall issue a certificate of title 31023  
to the purchaser upon presentation of proof of filing of the entry 31024  
of confirmation or order and, in the case of a forfeiture, 31025  
presentation of the county auditor's certificate of sale. 31026

(I) The total amount of taxes collected shall be distributed 31027  
in the following manner: four per cent shall be allowed as 31028  
compensation to the county auditor for the county auditor's 31029  
service in assessing the taxes; two per cent shall be allowed as 31030  
compensation to the county treasurer for the services the county 31031  
treasurer renders as a result of the tax levied by this section. 31032  
Such amounts shall be paid into the county treasury, to the credit 31033  
of the county general revenue fund, on the warrant of the county 31034  
auditor. Fees to be paid to the credit of the real estate 31035  
assessment fund shall be collected pursuant to division ~~(B)~~(C) of 31036  
section 319.54 of the Revised Code and paid into the county 31037  
treasury, on the warrant of the county auditor. The balance of the 31038  
taxes collected shall be distributed among the taxing subdivisions 31039  
of the county in which the taxes are collected and paid in the 31040  
same ratio as those taxes were collected for the benefit of the 31041  
taxing subdivision. The taxes levied and revenues collected under 31042  
this section shall be in lieu of any general property tax and any 31043  
tax levied with respect to the privilege of using or occupying a 31044

manufactured or mobile home in this state except as provided in 31045  
sections 4503.04 and 5741.02 of the Revised Code. 31046

(J) An agreement to purchase or a bill of sale for a 31047  
manufactured home shall show whether or not the furnishings and 31048  
equipment are included in the purchase price. 31049

(K) If the county treasurer and the county prosecuting 31050  
attorney agree that an item charged on the delinquent manufactured 31051  
home tax list is uncollectible, they shall certify that 31052  
determination and the reasons to the county board of revision. If 31053  
the board determines the amount is uncollectible, it shall certify 31054  
its determination to the county auditor, who shall strike the item 31055  
from the list. 31056

(L)(1) The county auditor shall appraise at its true value 31057  
any manufactured or mobile home in which ownership is transferred 31058  
or which first acquires situs in this state on or after January 1, 31059  
2000, and any manufactured or mobile home the owner of which has 31060  
elected, under division (D)(4) of this section, to have the home 31061  
taxed under division (D)(2) of this section. The true value shall 31062  
include the value of the home, any additions, and any fixtures, 31063  
but not any furnishings in the home. In determining the true value 31064  
of a manufactured or mobile home, the auditor shall consider all 31065  
facts and circumstances relating to the value of the home, 31066  
including its age, its capacity to function as a residence, any 31067  
obsolete characteristics, and other factors that may tend to prove 31068  
its true value. 31069

(2)(a) If a manufactured or mobile home has been the subject 31070  
of an arm's length sale between a willing seller and a willing 31071  
buyer within a reasonable length of time prior to the 31072  
determination of true value, the county auditor shall consider the 31073  
sale price of the home to be the true value for taxation purposes. 31074

(b) The sale price in an arm's length transaction between a 31075

willing seller and a willing buyer shall not be considered the true value of the home if either of the following occurred after the sale:

(i) The home has lost value due to a casualty.

(ii) An addition or fixture has been added to the home.

(3) The county auditor shall have each home viewed and appraised at least once in each six-year period in the same year in which real property in the county is appraised pursuant to Chapter 5713. of the Revised Code, and shall update the appraised values in the third calendar year following the appraisal. The person viewing or appraising a home may enter the home to determine by actual view any additions or fixtures that have been added since the last appraisal. In conducting the appraisals and establishing the true value, the auditor shall follow the procedures set forth for appraising real property in sections 5713.01 and 5713.03 of the Revised Code.

(4) The county auditor shall place the true value of each home on the manufactured home tax list upon completion of an appraisal.

(5)(a) If the county auditor changes the true value of a home, the auditor shall notify the owner of the home in writing, delivered by mail or in person. The notice shall be given at least thirty days prior to the issuance of any tax bill that reflects the change. Failure to receive the notice does not invalidate any proceeding under this section.

(b) Any owner of a home or any other person or party listed in division (A)(1) of section 5715.19 of the Revised Code may file a complaint against the true value of the home as appraised under this section. The complaint shall be filed with the county auditor on or before the thirty-first day of March of the current tax year or the date of closing of the collection for the first half of

manufactured home taxes for the current tax year, whichever is 31107  
later. The auditor shall present to the county board of revision 31108  
all complaints filed with the auditor under this section. The 31109  
board shall hear and investigate the complaint and may take action 31110  
on it as provided under sections 5715.11 to 5715.19 of the Revised 31111  
Code. 31112

(c) If the county board of revision determines, pursuant to a 31113  
complaint against the valuation of a manufactured or mobile home 31114  
filed under this section, that the amount of taxes, assessments, 31115  
or other charges paid was in excess of the amount due based on the 31116  
valuation as finally determined, then the overpayment shall be 31117  
refunded in the manner prescribed in section 5715.22 of the 31118  
Revised Code. 31119

(d) Payment of all or part of a tax under this section for 31120  
any year for which a complaint is pending before the county board 31121  
of revision does not abate the complaint or in any way affect the 31122  
hearing and determination thereof. 31123

(M) If the county auditor determines that any tax or other 31124  
charge or any part thereof has been erroneously charged as a 31125  
result of a clerical error as defined in section 319.35 of the 31126  
Revised Code, the county auditor shall call the attention of the 31127  
county board of revision to the erroneous charges. If the board 31128  
finds that the taxes or other charges have been erroneously 31129  
charged or collected, it shall certify the finding to the auditor. 31130  
Upon receipt of the certification, the auditor shall remove the 31131  
erroneous charges on the manufactured home tax list or delinquent 31132  
manufactured home tax list in the same manner as is prescribed in 31133  
section 319.35 of the Revised Code for erroneous charges against 31134  
real property, and refund any erroneous charges that have been 31135  
collected, with interest, in the same manner as is prescribed in 31136  
section 319.36 of the Revised Code for erroneous charges against 31137  
real property. 31138

(N) As used in this section and section 4503.061 of the Revised Code:	31139
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(1) "Manufactured home taxes" includes taxes, penalties, and interest charged under division (C) or (G) of this section and any penalties charged under division (G) or (H)(5) of section 4503.061 of the Revised Code.	31141
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(2) "Current taxes" means all manufactured home taxes charged against a manufactured or mobile home that have not appeared on the manufactured home tax list for any prior year. Current taxes become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty, whether or not they have been certified delinquent.	31145
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(3) "Delinquent taxes" means:	31152
(a) Any manufactured home taxes that were charged against a manufactured or mobile home for a prior year, including any penalties or interest charged for a prior year, and that remain unpaid;	31153
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(b) Any current manufactured home taxes charged against a manufactured or mobile home that remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty, whether or not they have been certified delinquent, including any penalties or interest.	31157
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<b>Sec. 4503.061.</b> (A) All manufactured and mobile homes shall be listed on either the real property tax list or the manufactured home tax list of the county in which the home has situs. Each owner shall follow the procedures in this section to identify the home to the county auditor of the county containing the taxing district in which the home has situs so that the auditor may place the home on the appropriate tax list.	31162
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(B) When a manufactured or mobile home first acquires situs 31169  
in this state and is subject to real property taxation pursuant to 31170  
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 31171  
owner shall present to the auditor of the county containing the 31172  
taxing district in which the home has its situs the certificate of 31173  
title for the home, together with proof that all taxes due have 31174  
been paid and proof that a relocation notice was obtained for the 31175  
home if required under this section. Upon receiving the 31176  
certificate of title and the required proofs, the auditor shall 31177  
place the home on the real property tax list and proceed to treat 31178  
the home as other properties on that list. After the auditor has 31179  
placed the home on the tax list of real and public utility 31180  
property, the auditor shall deliver the certificate of title to 31181  
the clerk of the court of common pleas that issued it pursuant to 31182  
section 4505.11 of the Revised Code, and the clerk shall 31183  
inactivate the certificate of title. 31184

(C)(1) When a manufactured or mobile home subject to a 31185  
manufactured home tax is relocated to or first acquires situs in 31186  
any county that has adopted a permanent manufactured home 31187  
registration system, as provided in division (F) of this section, 31188  
the owner, within thirty days after the home is relocated or first 31189  
acquires situs under section 4503.06 of the Revised Code, shall 31190  
register the home with the county auditor of the county containing 31191  
the taxing district in which the home has its situs. For the first 31192  
registration in each county of situs, the owner or vendee in 31193  
possession shall present to the county auditor an Ohio certificate 31194  
of title, certified copy of the certificate of title, or 31195  
memorandum certificate of title as such are required by law, and 31196  
proof, as required by the county auditor, that the home, if it has 31197  
previously been occupied and is being relocated, has been 31198  
previously registered, that all taxes due and required to be paid 31199  
under division (H)(1) of this section before a relocation notice 31200  
may be issued have been paid, and that a relocation notice was 31201

obtained for the home if required by division (H) of this section. 31202  
If the owner or vendee does not possess the Ohio certificate of 31203  
title, certified copy of the certificate of title, or memorandum 31204  
certificate of title at the time the owner or vendee first 31205  
registers the home in a county, the county auditor shall register 31206  
the home without presentation of the document, but the owner or 31207  
vendee shall present the certificate of title, certified copy of 31208  
the certificate of title, or memorandum certificate of title to 31209  
the county auditor within fourteen days after the owner or vendee 31210  
obtains possession of the document. 31211

(2) When a manufactured or mobile home is registered for the 31212  
first time in a county and when the total tax due has been paid as 31213  
required by division (F) of section 4503.06 of the Revised Code or 31214  
divisions (E) and (H) of this section, the county treasurer shall 31215  
note by writing or by a stamp on the certificate of title, 31216  
certified copy of certificate of title, or memorandum certificate 31217  
of title that the home has been registered and that the taxes due, 31218  
if any, have been paid for the preceding five years and for the 31219  
current year. The treasurer shall then issue a certificate 31220  
evidencing registration and a decal to be displayed on the street 31221  
side of the home. The certificate is valid in any county in this 31222  
state during the year for which it is issued. 31223

(3) For each year thereafter, the county treasurer shall 31224  
issue a tax bill stating the amount of tax due under section 31225  
4503.06 of the Revised Code, as provided in division (D)(6) of 31226  
that section. When the total tax due has been paid as required by 31227  
division (F) of that section, the county treasurer shall issue a 31228  
certificate evidencing registration that shall be valid in any 31229  
county in this state during the year for which the certificate is 31230  
issued. 31231

(4) The permanent decal issued under this division is valid 31232  
during the period of ownership, except that when a manufactured 31233

home is relocated in another county the owner shall apply for a 31234  
new registration as required by this section and section 4503.06 31235  
of the Revised Code. 31236

(D)(1) All owners of manufactured or mobile homes subject to 31237  
the manufactured home tax being relocated to or having situs in a 31238  
county that has not adopted a permanent registration system, as 31239  
provided in division (F) of this section, shall register the home 31240  
within thirty days after the home is relocated or first acquires 31241  
situs under section 4503.06 of the Revised Code and thereafter 31242  
shall annually register the home with the county auditor of the 31243  
county containing the taxing district in which the home has its 31244  
situs. 31245

(2) Upon the annual registration, the county treasurer shall 31246  
issue a tax bill stating the amount of annual manufactured home 31247  
tax due under section 4503.06 of the Revised Code, as provided in 31248  
division (D)(6) of that section. When a manufactured or mobile 31249  
home is registered and when the tax for the current one-half year 31250  
has been paid as required by division (F) of that section, the 31251  
county treasurer shall issue a certificate evidencing registration 31252  
and a decal. The certificate and decal are valid in any county in 31253  
this state during the year for which they are issued. The decal 31254  
shall be displayed on the street side of the home. 31255

(3) For the first annual registration in each county of 31256  
situs, the county auditor shall require the owner or vendee to 31257  
present an Ohio certificate of title, certified copy of the 31258  
certificate of title, or memorandum certificate of title as such 31259  
are required by law, and proof, as required by the county auditor, 31260  
that the manufactured or mobile home has been previously 31261  
registered, if such registration was required, that all taxes due 31262  
and required to be paid under division (H)(1) of this section 31263  
before a relocation notice may be issued have been paid, and that 31264  
a relocation notice was obtained for the home if required by 31265

division (H) of this section. If the owner or vendee does not 31266  
possess the Ohio certificate of title, certified copy of the 31267  
certificate of title, or memorandum certificate of title at the 31268  
time the owner or vendee first registers the home in a county, the 31269  
county auditor shall register the home without presentation of the 31270  
document, but the owner or vendee shall present the certificate of 31271  
title, certified copy of the certificate of title, or memorandum 31272  
certificate of title to the county auditor within fourteen days 31273  
after the owner or vendee obtains possession of the document. When 31274  
the county treasurer receives the tax payment, the county 31275  
treasurer shall note by writing or by a stamp on the certificate 31276  
of title, certified copy of the certificate of title, or 31277  
memorandum certificate of title that the home has been registered 31278  
for the current year and that the manufactured home taxes due, if 31279  
any, have been paid for the preceding five years and for the 31280  
current year. 31281

(4) For subsequent annual registrations, the auditor may 31282  
require the owner or vendee in possession to present an Ohio 31283  
certificate of title, certified copy of the certificate of title, 31284  
or memorandum certificate of title to the county treasurer upon 31285  
payment of the manufactured home tax that is due. 31286

(E)(1) Upon the application to transfer ownership of a 31287  
manufactured or mobile home for which manufactured home taxes are 31288  
paid pursuant to division (C) of section 4503.06 of the Revised 31289  
Code the clerk of the court of common pleas shall not issue any 31290  
certificate of title that does not contain or have attached both 31291  
of the following: 31292

(a) An endorsement of the county treasurer stating that the 31293  
home has been registered for each year of ownership and that all 31294  
manufactured home taxes imposed pursuant to section 4503.06 of the 31295  
Revised Code have been paid or that no tax is due; 31296

(b) An endorsement of the county auditor that the 31297

manufactured home transfer tax imposed pursuant to section 322.06 31298  
of the Revised Code and any fees imposed under division ~~(F)~~(G) of 31299  
section 319.54 of the Revised Code have been paid. 31300

(2) If all the taxes have not been paid, the clerk shall 31301  
notify the vendee to contact the county treasurer of the county 31302  
containing the taxing district in which the home has its situs at 31303  
the time of the proposed transfer. The county treasurer shall then 31304  
collect all the taxes that are due for the year of the transfer 31305  
and all previous years not exceeding a total of five years. The 31306  
county treasurer shall distribute that part of the collection owed 31307  
to the county treasurer of other counties if the home had its 31308  
situs in another county during a particular year when the unpaid 31309  
tax became due and payable. The burden to prove the situs of the 31310  
home in the years that the taxes were not paid is on the 31311  
transferor of the home. Upon payment of the taxes, the county 31312  
auditor shall remove all remaining taxes from the manufactured 31313  
home tax list and the delinquent manufactured home tax list, and 31314  
the county treasurer shall release all liens for such taxes. The 31315  
clerk of courts shall issue a certificate of title, free and clear 31316  
of all liens for manufactured home taxes, to the transferee of the 31317  
home. 31318

(3) Once the transfer is complete and the certificate of 31319  
title has been issued, the transferee shall register the 31320  
manufactured or mobile home pursuant to division (C) or (D) of 31321  
this section with the county auditor of the county containing the 31322  
taxing district in which the home remains after the transfer or, 31323  
if the home is relocated to another county, with the county 31324  
auditor of the county to which the home is relocated. The 31325  
transferee need not pay the annual tax for the year of acquisition 31326  
if the original owner has already paid the annual tax for that 31327  
year. 31328

(F) The county auditor may adopt a permanent registration 31329

system and issue a permanent decal with the first registration as 31330  
prescribed by the tax commissioner. 31331

(G) When any manufactured or mobile home required to be 31332  
registered by this section is not registered, the county auditor 31333  
shall impose a penalty of one hundred dollars upon the owner and 31334  
deposit the amount to the credit of the county real estate 31335  
assessment fund to be used to pay the costs of administering this 31336  
section and section 4503.06 of the Revised Code. If unpaid, the 31337  
penalty shall constitute a lien on the home and shall be added by 31338  
the county auditor to the manufactured home tax list for 31339  
collection. 31340

(H)(1) Except as otherwise provided in this division, before 31341  
moving a manufactured or mobile home on public roads from one 31342  
address within this state to another address within or outside 31343  
this state, the owner of the home shall obtain a relocation 31344  
notice, as provided by this section, from the auditor of the 31345  
county in which the home is located if the home is currently 31346  
subject to taxation pursuant to section 4503.06 of the Revised 31347  
Code. The auditor shall charge five dollars for the notice, and 31348  
deposit the amount to the credit of the county real estate 31349  
assessment fund to be used to pay the costs of administering this 31350  
section and section 4503.06 of the Revised Code. The auditor shall 31351  
not issue a relocation notice unless all taxes owed on the home 31352  
under section 4503.06 of the Revised Code that were first charged 31353  
to the home during the period of ownership of the owner seeking 31354  
the relocation notice have been paid. If the home is being moved 31355  
by a new owner of the home or by a party taking repossession of 31356  
the home, the auditor shall not issue a relocation notice unless 31357  
all of the taxes due for the preceding five years and for the 31358  
current year have been paid. A relocation notice issued by a 31359  
county auditor is valid until the last day of December of the year 31360  
in which it was issued. 31361

If the home is being moved by a sheriff, police officer, constable, bailiff, or manufactured home park operator, as defined in section 3733.01 of the Revised Code, or any agent of any of these persons, for purposes of removal from a manufactured home park and storage, sale, or destruction under section 1923.14 of the Revised Code, the auditor shall issue a relocation notice without requiring payment of any taxes owed on the home under section 4503.06 of the Revised Code. 31362  
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(2) If a manufactured or mobile home is not yet subject to taxation under section 4503.06 of the Revised Code, the owner of the home shall obtain a relocation notice from the dealer of the home. Within thirty days after the manufactured or mobile home is purchased, the dealer of the home shall provide the auditor of the county in which the home is to be located written notice of the name of the purchaser of the home, the registration number or vehicle identification number of the home, and the address or location to which the home is to be moved. The county auditor shall provide to each manufactured and mobile home dealer, without charge, a supply of relocation notices to be distributed to purchasers pursuant to this section. 31370  
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(3) The notice shall be in the form of a one-foot square yellow sign with the words "manufactured home relocation notice" printed prominently on it. The name of the owner of the home, the home's registration number or vehicle identification number, the county and the address or location to which the home is being moved, and the county in which the notice is issued shall also be entered on the notice. 31382  
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(4) The relocation notice must be attached to the rear of the home when the home is being moved on a public road. Except as provided in divisions (H)(1) and (5) of this section, no person shall drive a motor vehicle moving a manufactured or mobile home on a public road from one address to another address within this 31389  
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state unless a relocation notice is attached to the rear of the 31394  
home. 31395

(5) If the county auditor determines that a manufactured or 31396  
mobile home has been moved without a relocation notice as required 31397  
under this division, the auditor shall impose a penalty of one 31398  
hundred dollars upon the owner of the home and upon the person who 31399  
moved the home and deposit the amount to the credit of the county 31400  
real estate assessment fund to pay the costs of administering this 31401  
section and section 4503.06 of the Revised Code. If the home was 31402  
relocated from one county in this state to another county in this 31403  
state and the county auditor of the county to which the home was 31404  
relocated imposes the penalty, that county auditor, upon 31405  
collection of the penalty, shall cause an amount equal to the 31406  
penalty to be transmitted from the county real estate assessment 31407  
fund to the county auditor of the county from which the home was 31408  
relocated, who shall deposit the amount to the credit of the 31409  
county real estate assessment fund. If the penalty on the owner is 31410  
unpaid, the penalty shall constitute a lien on the home and the 31411  
auditor shall add the penalty to the manufactured home tax list 31412  
for collection. If the county auditor determines that a dealer 31413  
that has sold a manufactured or mobile home has failed to timely 31414  
provide the information required under this division, the auditor 31415  
shall impose a penalty upon the dealer in the amount of one 31416  
hundred dollars. The penalty shall be credited to the county real 31417  
estate assessment fund and used to pay the costs of administering 31418  
this section and section 4503.06 of the Revised Code. 31419

(I) Whoever violates division (H)(4) of this section is 31420  
guilty of a minor misdemeanor. 31421

**Sec. 4503.064.** As used in sections 4503.064 to 4503.069 of 31422  
the Revised Code: 31423

(A) "Sixty-five years of age or older" means a person who 31424

will be age sixty-five or older in the calendar year following the 31425  
year of application for reduction in the assessable value of the 31426  
person's manufactured or mobile home. 31427

~~(B) "Total income" means the adjusted gross income of the 31428  
owner and the owner's spouse for the year preceding the year in 31429  
which application for a reduction in taxes is made, as determined 31430  
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 31431  
U.S.C.A. 1, as amended, adjusted as follows: 31432~~

~~(1) Subtract the amount of disability benefits included in 31433  
adjusted gross income but not to exceed five thousand two hundred 31434  
dollars: 31435~~

~~(2) Add old age and survivors benefits received pursuant to 31436  
the "Social Security Act" that are not included in adjusted gross 31437  
income: 31438~~

~~(3) Add retirement, pension, annuity, or other retirement 31439  
payments or benefits not included in adjusted gross income: 31440~~

~~(4) Add tier I and II railroad retirement benefits received 31441  
pursuant to the "Railroad Retirement Act," 50 Stat. 307, 45 U.S.C. 31442  
228: 31443~~

~~(5) Add interest on federal, state, and local government 31444  
obligations: 31445~~

~~(6) For a person who received the homestead exemption for a 31446  
prior year on the basis of being permanently and totally disabled 31447  
and whose current application for the exemption is made on the 31448  
basis of age, subtract the following amount: 31449~~

~~(a) If the person received disability benefits that were not 31450  
included in adjusted gross income in the year preceding the first 31451  
year in which the person applied for the exemption on the basis of 31452  
age, subtract an amount equal to the disability benefits the 31453  
person received in that preceding year, to the extent included in 31454~~

~~total income in the current year and not subtracted under division (B)(1) of this section in the current year;~~ 31455  
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~~(b) If the person received disability benefits that were included in adjusted gross income in the year preceding the first year in which the person applied for the exemption on the basis of age, subtract an amount equal to the amount of disability benefits that were subtracted pursuant to division (B)(1) of this section in that preceding year, to the extent included in total income in the current year and not subtracted under division (B)(1) of this section in the current year.~~ 31457  
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~~Disability benefits that are paid by the department of veterans affairs or a branch of the armed forces of the United States on account of an injury or disability shall not be included in total income.~~ 31465  
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~~(C) "Old age and survivors benefits received pursuant to the 'Social Security Act'" or "tier I railroad retirement benefits received pursuant to the 'Railroad Retirement Act'" means:~~ 31469  
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~~(1) The old age benefits payable under the social security or railroad retirement laws in effect on the last day of the calendar year preceding the year in which the applicant's application for reduction is first successfully made, or, if no such benefits are payable that year, old age benefits payable the first succeeding year in which old age benefits under the social security or railroad retirement laws are payable, except in those cases where a change in social security or railroad retirement benefits results in a reduction in income.~~ 31472  
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~~(2) The lesser of:~~ 31481

~~(a) Survivors benefits payable under the social security or railroad retirement laws in effect on the last day of the calendar year preceding the year in which the applicant's application for reduction is first successfully made, or, if no such benefits are~~ 31482  
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~~payable that year, survivors benefits payable the first succeeding year in which survivors benefits are payable; or~~ 31486  
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~~(b) Old age benefits of the deceased spouse, as determined under division (C)(1) of this section, upon which the surviving spouse's survivors benefits are based under the social security or railroad retirement laws, except in those cases where a change in benefits would cause a reduction in income.~~ 31488  
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~~Survivors benefits are those described in division (C)(2)(b) of this section only if the deceased spouse received old age benefits in the year in which the deceased died. If the deceased spouse did not receive old age benefits in the year in which the deceased died, then survivors benefits are those described in division (C)(2)(a) of this section.~~ 31493  
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~~(D) "Permanently and totally disabled" means a person who, on the first day of January of the year of application, including late application, for reduction in the assessable value of a manufactured or mobile home, has some impairment in body or mind that makes the person unable to work at any substantially remunerative employment which the person is reasonably able to perform and which will, with reasonable probability, continue for an indefinite period of at least twelve months without any present indication of recovery therefrom or has been certified as permanently and totally disabled by a state or federal agency having the function of so classifying persons.~~ 31499  
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~~(E)(C) "Homestead exemption" means the reduction in taxes allowed under division (A) of section 323.152 of the Revised Code for the year in which an application is filed under section 4503.066 of the Revised Code.~~ 31510  
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~~(F)(D) "Manufactured home" has the meaning given in division (C)(4) of section 3781.06 of the Revised Code, and includes a structure consisting of two manufactured homes that were purchased~~ 31514  
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either together or separately and are combined to form a single dwelling, but does not include a manufactured home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code.

~~(G)~~(E) "Mobile home" has the meaning given in division (O) of section 4501.01 of the Revised Code and includes a structure consisting of two mobile homes that were purchased together or separately and combined to form a single dwelling, but does not include a mobile home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code.

~~(H)~~(F) "Late application" means an application filed with an original application under division (A)(3) of section 4503.066 of the Revised Code.

**Sec. 4503.065.** (A) This section applies to any of the following:

- (1) An individual who is permanently and totally disabled;
- (2) An individual who is sixty-five years of age or older;
- (3) An individual who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in assessable value under this section in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse dies.

(B)~~(1)~~ The manufactured home tax on a manufactured or mobile home that is paid pursuant to division (C) of section 4503.06 of the Revised Code and that is owned and occupied as a home by an individual whose domicile is in this state and to whom this section applies, shall be reduced for any tax year for which the owner obtains a certificate of reduction from the county auditor

under section 4503.067 of the Revised Code, provided the 31547  
individual did not acquire ownership from a person, other than the 31548  
individual's spouse, related by consanguinity or affinity for the 31549  
purpose of qualifying for the reduction ~~in assessable value~~. An 31550  
owner includes a settlor of a revocable inter vivos trust holding 31551  
the title to a manufactured or mobile home occupied by the settlor 31552  
as of right under the trust. The reduction shall equal the ~~amount~~ 31553  
~~obtained by multiplying the tax rate for the tax year for which~~ 31554  
~~the certificate is issued by the reduction in assessable value~~ 31555  
~~shown in the following schedule.~~ 31556

	<del>Reduce Assessable Value</del>	
Total Income	<del>by the Lesser of:</del>	
	<del>Column A</del>	<del>Column B</del>
<del>\$11,900 or less</del>	<del>\$5,000 or seventy five per cent</del>	31559
<del>More than \$11,900 but not more than \$17,500</del>	<del>\$3,000 or sixty per cent</del>	31560
<del>More than \$17,500 but not more than \$23,000</del>	<del>\$1,000 or twenty five per cent</del>	31561
<del>More than \$23,000</del>	<del>-0-</del>	31562

~~(2) Each calendar year, the tax commissioner shall adjust the 31564~~  
~~foregoing schedule by completing the following calculations in 31565~~  
~~September of each year:~~ 31566

~~(a) Determine the percentage increase in the gross domestic 31567~~  
~~product deflator determined by the bureau of economic analysis of 31568~~  
~~the United States department of commerce from the first day of 31569~~  
~~January of the preceding calendar year to the last day of December 31570~~  
~~of the preceding calendar year;~~ 31571

~~(b) Multiply that percentage increase by each of the total 31572~~  
~~income amounts, and by each dollar amount by which assessable 31573~~  
~~value is reduced, for the ensuing tax year;~~ 31574

~~(c) Add the resulting product to each of the total income 31575~~  
~~amounts, and to each of the dollar amounts by which assessable 31576~~

~~value is reduced, for the ensuing tax year;~~ 31577

~~(d)(i) Except as provided in division (B)(2)(d)(ii) of this section, round the resulting sum to the nearest multiple of one hundred dollars;~~ 31578  
31579  
31580

~~(ii) If rounding the resulting sum to the nearest multiple of one hundred dollars under division (B)(2)(d)(i) of this section does not increase the dollar amounts by which assessable value is reduced, the resulting sum instead shall be rounded to the nearest multiple of ten dollars.~~ 31581  
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~~The commissioner shall certify the amounts resulting from the adjustment to each county auditor not later than the first day of December each year. The certified amounts apply to the second ensuing tax year. The commissioner shall not make the adjustment in any calendar year in which the amounts resulting from the adjustment would be less than the total income amounts, or less than the dollar amounts by which assessable value is reduced, for the ensuing tax year greater of the reduction granted for tax year 2006, if the taxpayer received a reduction for tax year 2006, or the product of the following:~~ 31586  
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~~(1) Twenty-five thousand dollars of the true value of the property in money;~~ 31596  
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~~(2) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;~~ 31598  
31599  
31600

~~(3) The effective tax rate on residential/agricultural real property, where "effective tax rate" is defined as in section 323.08 of the Revised Code, and where "residential/agricultural real property" is defined as in section 5713.041 of the Revised Code;~~ 31601  
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~~(4) In the case of a manufactured or mobile home for which the tax is computed under division (C)(2) of section 4503.06 of~~ 31606  
31607

the Revised Code, the quantity equal to one minus the sum of the 31608  
percentage reductions in taxes allowed by section 319.302 of the 31609  
Revised Code and division (B) of section 323.152 of the Revised 31610  
Code. 31611

(C) If the owner or the spouse of the owner of a manufactured 31612  
or mobile home is eligible for a homestead exemption on the land 31613  
upon which the home is located, the reduction ~~in assessable value~~ 31614  
to which the owner or spouse is entitled under this section shall 31615  
not exceed the difference between the reduction ~~in assessable~~ 31616  
~~value~~ to which the owner or spouse is entitled under ~~column A of~~ 31617  
~~the above schedule~~ division (B) of this section and the amount of 31618  
the reduction ~~in taxable value that was used to compute~~ under the 31619  
homestead exemption. 31620

(D) No reduction shall be made ~~on the assessable value of~~ 31621  
with respect to the home of any person convicted of violating 31622  
division (C) or (D) of section 4503.066 of the Revised Code for a 31623  
period of three years following the conviction. 31624

**Sec. 4503.066.** (A)(1) To obtain a tax reduction ~~in the~~ 31625  
~~assessable value of a manufactured or mobile home~~ under section 31626  
4503.065 of the Revised Code, the owner of the home shall file an 31627  
application with the county auditor of the county in which the 31628  
home is located. An application for reduction in ~~assessable value~~ 31629  
taxes based upon a physical disability shall be accompanied by a 31630  
certificate signed by a physician, and an application for 31631  
reduction in ~~assessable value~~ taxes based upon a mental disability 31632  
shall be accompanied by a certificate signed by a physician or 31633  
psychologist licensed to practice in this state. The certificate 31634  
shall attest to the fact that the applicant is permanently and 31635  
totally disabled, shall be in a form that the department of 31636  
taxation requires, and shall include the definition of totally and 31637  
permanently disabled as set forth in section 4503.064 of the 31638

Revised Code. An application for reduction in ~~assessable value~~ taxes based upon a disability certified as permanent and total by a state or federal agency having the function of so classifying persons shall be accompanied by a certificate from that agency.

(2) Each application shall constitute a continuing application for a reduction in ~~assessable value~~ taxes for each year in which the manufactured or mobile home is occupied by the applicant ~~and in which the amount of the reduction in assessable value does not exceed either the amount or per cent of the reduction for the year in which the application was first filed.~~ Failure to receive a new application or notification under division (B) of this section after a certificate of reduction has been issued under section 4503.067 of the Revised Code is prima-facie evidence that the original applicant is entitled to the reduction ~~in assessable value~~ calculated on the basis of the information contained in the original application. The original application and any subsequent application shall be in the form of a signed statement and shall be filed not later than the first Monday in June. The statement shall be on a form, devised and supplied by the tax commissioner, that shall require no more information than is necessary to establish the applicant's eligibility for the reduction in ~~assessable value~~ taxes and the amount of the reduction to which the applicant is entitled. ~~The form shall contain a statement that signing such application constitutes a delegation of authority by the applicant to the county auditor to examine any financial records that relate to income earned by the applicant as stated on the application for the purpose of determining eligibility under, or possible violation of, division (C) or (D) of this section.~~ The form also shall contain a statement that conviction of willfully falsifying information to obtain a reduction in ~~assessable value~~ taxes or failing to comply with division (B) of this section shall result in the revocation of the right to the reduction for a period of

three years. 31672

(3) A late application for a reduction in ~~assessable value~~ 31673  
taxes for the year preceding the year for which an original 31674  
application is filed may be filed with an original application. If 31675  
the auditor determines that the information contained in the late 31676  
application is correct, the auditor shall determine both the 31677  
amount of the reduction in ~~assessable value~~ taxes to which the 31678  
applicant would have been entitled for the current tax year had 31679  
the application been timely filed and approved in the preceding 31680  
year, and the amount the taxes levied under section 4503.06 of the 31681  
Revised Code for the current year would have been reduced as a 31682  
result of the reduction in ~~assessable value~~. When an applicant is 31683  
permanently and totally disabled on the first day of January of 31684  
the year in which the applicant files a late application, the 31685  
auditor, in making the determination of the amounts of the 31686  
reduction in ~~assessable value~~ and taxes under division (A)(3) of 31687  
this section, is not required to determine that the applicant was 31688  
permanently and totally disabled on the first day of January of 31689  
the preceding year. 31690

The amount of the reduction in taxes pursuant to a late 31691  
application shall be treated as an overpayment of taxes by the 31692  
applicant. The auditor shall credit the amount of the overpayment 31693  
against the amount of the taxes or penalties then due from the 31694  
applicant, and, at the next succeeding settlement, the amount of 31695  
the credit shall be deducted from the amount of any taxes or 31696  
penalties distributable to the county or any taxing unit in the 31697  
county that has received the benefit of the taxes or penalties 31698  
previously overpaid, in proportion to the benefits previously 31699  
received. If, after the credit has been made, there remains a 31700  
balance of the overpayment, or if there are no taxes or penalties 31701  
due from the applicant, the auditor shall refund that balance to 31702  
the applicant by a warrant drawn on the county treasurer in favor 31703

of the applicant. The treasurer shall pay the warrant from the 31704  
general fund of the county. If there is insufficient money in the 31705  
general fund to make the payment, the treasurer shall pay the 31706  
warrant out of any undivided manufactured or mobile home taxes 31707  
subsequently received by the treasurer for distribution to the 31708  
county or taxing district in the county that received the benefit 31709  
of the overpaid taxes, in proportion to the benefits previously 31710  
received, and the amount paid from the undivided funds shall be 31711  
deducted from the money otherwise distributable to the county or 31712  
taxing district in the county at the next or any succeeding 31713  
distribution. At the next or any succeeding distribution after 31714  
making the refund, the treasurer shall reimburse the general fund 31715  
for any payment made from that fund by deducting the amount of 31716  
that payment from the money distributable to the county or other 31717  
taxing unit in the county that has received the benefit of the 31718  
taxes, in proportion to the benefits previously received. On the 31719  
second Monday in September of each year, the county auditor shall 31720  
certify the total amount of the reductions in taxes made in the 31721  
current year under division (A)(3) of this section to the tax 31722  
commissioner who shall treat that amount as a reduction in taxes 31723  
for the current tax year and shall make reimbursement to the 31724  
county of that amount in the manner prescribed in section 4503.068 31725  
of the Revised Code, from moneys appropriated for that purpose. 31726

(B) If in any year after an application has been filed under 31727  
division (A) of this section the owner no longer qualifies for the 31728  
reduction in ~~assessable value~~ taxes for which the owner was issued 31729  
a certificate ~~or qualifies for a reduction that is less than~~ 31730  
~~either the per cent or amount of the reduction to which the owner~~ 31731  
~~was entitled in the year the application was filed,~~ the owner 31732  
shall notify the county auditor that the owner is not qualified 31733  
for a reduction in ~~the assessable value of the home or file a new~~ 31734  
~~application under division (A) of this section~~ taxes. 31735

During January of each year, the county auditor shall furnish 31736  
each person issued a certificate of reduction ~~in value~~, by 31737  
ordinary mail, a form on which to report any ~~changes in total~~ 31738  
~~income that would have the effect of increasing or decreasing the~~ 31739  
~~reduction to which the person is entitled~~, changes in ownership of 31740  
the home, including changes in or revocation of a revocable inter 31741  
vivos trust, changes in disability, and other changes in the 31742  
information earlier furnished the auditor relative to the 31743  
application. ~~The form shall be completed and returned to the~~ 31744  
~~auditor not later than the first Monday in June if the changes~~ 31745  
~~would affect the level of reduction in assessable value.~~ 31746

(C) No person shall knowingly make a false statement for the 31747  
purpose of obtaining a reduction in ~~assessable value~~ taxes under 31748  
section 4503.065 of the Revised Code. 31749

(D) No person shall knowingly fail to notify the county 31750  
auditor of any change required by division (B) of this section 31751  
that has the effect of maintaining or securing a reduction in 31752  
~~assessable value of the home in excess of the reduction allowed~~ 31753  
taxes under section 4503.065 of the Revised Code. 31754

(E) No person shall knowingly make a false statement or 31755  
certification attesting to any person's physical or mental 31756  
condition for purposes of qualifying such person for tax relief 31757  
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 31758

(F) Whoever violates division (C), (D), or (E) of this 31759  
section is guilty of a misdemeanor of the fourth degree. 31760

**Sec. 4503.067.** (A) At the same time the tax bill for the 31761  
first half of the tax year is issued, the county auditor shall 31762  
issue a certificate of reduction in ~~assessable value of~~ taxes for 31763  
a manufactured or mobile home in triplicate for each person who 31764  
has complied with section 4503.066 of the Revised Code and been 31765  
found by the auditor to be entitled to a reduction ~~of assessable~~ 31766

value in taxes for the succeeding tax year. The certificate shall 31767  
set forth the ~~assessable value of the home~~ calculated under 31768  
~~section 4503.06 of the Revised Code and the~~ amount of the 31769  
reduction in ~~assessable value of the home~~ taxes calculated under 31770  
section 4503.065 of the Revised Code. Upon issuance of the 31771  
certificate, the auditor shall reduce the ~~assessable value of~~ 31772  
manufactured home tax levied on the home for the succeeding tax 31773  
year by the required amount and forward the original and one copy 31774  
of the certificate to the county treasurer. The auditor shall 31775  
retain one copy of the certificate. The treasurer shall retain the 31776  
original certificate and forward the remaining copy to the 31777  
recipient with the tax bill delivered pursuant to division (D)(6) 31778  
of section 4503.06 of the Revised Code. 31779

(B) If the application or a continuing application is not 31780  
approved, the auditor shall notify the applicant of the reasons 31781  
for denial no later than the first Monday in October. If a person 31782  
believes that the person's application for reduction in ~~assessable~~ 31783  
~~value of a home~~ taxes has been improperly denied or is for less 31784  
than that to which the person is entitled, the person may file an 31785  
appeal with the county board of revision no later than the 31786  
thirty-first day of January of the following calendar year. The 31787  
appeal shall be treated in the same manner as a complaint relating 31788  
to the valuation or assessment of real property under Chapter 31789  
5715. of the Revised Code. 31790

**Sec. 4503.10.** (A) The owner of every snowmobile, off-highway 31791  
motorcycle, and all-purpose vehicle required to be registered 31792  
under section 4519.02 of the Revised Code shall file an 31793  
application for registration under section 4519.03 of the Revised 31794  
Code. The owner of a motor vehicle, other than a snowmobile, 31795  
off-highway motorcycle, or all-purpose vehicle, that is not 31796  
designed and constructed by the manufacturer for operation on a 31797  
street or highway may not register it under this chapter except 31798

upon certification of inspection pursuant to section 4513.02 of 31799  
the Revised Code by the sheriff, or the chief of police of the 31800  
municipal corporation or township, with jurisdiction over the 31801  
political subdivision in which the owner of the motor vehicle 31802  
resides. Except as provided in section 4503.103 of the Revised 31803  
Code, every owner of every other motor vehicle not previously 31804  
described in this section and every person mentioned as owner in 31805  
the last certificate of title of a motor vehicle that is operated 31806  
or driven upon the public roads or highways shall cause to be 31807  
filed each year, by mail or otherwise, in the office of the 31808  
registrar of motor vehicles or a deputy registrar, a written or 31809  
electronic application or a preprinted registration renewal notice 31810  
issued under section 4503.102 of the Revised Code, the form of 31811  
which shall be prescribed by the registrar, for registration for 31812  
the following registration year, which shall begin on the first 31813  
day of January of every calendar year and end on the thirty-first 31814  
day of December in the same year. Applications for registration 31815  
and registration renewal notices shall be filed at the times 31816  
established by the registrar pursuant to section 4503.101 of the 31817  
Revised Code. A motor vehicle owner also may elect to apply for or 31818  
renew a motor vehicle registration by electronic means using 31819  
electronic signature in accordance with rules adopted by the 31820  
registrar. Except as provided in division (J) of this section, 31821  
applications for registration shall be made on blanks furnished by 31822  
the registrar for that purpose, containing the following 31823  
information: 31824

(1) A brief description of the motor vehicle to be 31825  
registered, including the year, make, model, and vehicle 31826  
identification number, and, in the case of commercial cars, the 31827  
gross weight of the vehicle fully equipped computed in the manner 31828  
prescribed in section 4503.08 of the Revised Code; 31829

(2) The name and residence address of the owner, and the 31830

township and municipal corporation in which the owner resides; 31831

(3) The district of registration, which shall be determined 31832  
as follows: 31833

(a) In case the motor vehicle to be registered is used for 31834  
hire or principally in connection with any established business or 31835  
branch business, conducted at a particular place, the district of 31836  
registration is the municipal corporation in which that place is 31837  
located or, if not located in any municipal corporation, the 31838  
county and township in which that place is located. 31839

(b) In case the vehicle is not so used, the district of 31840  
registration is the municipal corporation or county in which the 31841  
owner resides at the time of making the application. 31842

(4) Whether the motor vehicle is a new or used motor vehicle; 31843

(5) The date of purchase of the motor vehicle; 31844

(6) Whether the fees required to be paid for the registration 31845  
or transfer of the motor vehicle, during the preceding 31846  
registration year and during the preceding period of the current 31847  
registration year, have been paid. Each application for 31848  
registration shall be signed by the owner, either manually or by 31849  
electronic signature, or pursuant to obtaining a limited power of 31850  
attorney authorized by the registrar for registration, or other 31851  
document authorizing such signature. If the owner elects to apply 31852  
for or renew the motor vehicle registration with the registrar by 31853  
electronic means, the owner's manual signature is not required. 31854

(7) The owner's social security number, if assigned, or, 31855  
where a motor vehicle to be registered is used for hire or 31856  
principally in connection with any established business, the 31857  
owner's federal taxpayer identification number. The bureau of 31858  
motor vehicles shall retain in its records all social security 31859  
numbers provided under this section, but the bureau shall not 31860  
place social security numbers on motor vehicle certificates of 31861

registration. 31862

(B) Except as otherwise provided in this division, each time 31863  
an applicant first registers a motor vehicle in the applicant's 31864  
name, the applicant shall present for inspection a physical 31865  
certificate of title or memorandum certificate showing title to 31866  
the motor vehicle to be registered in the name of the applicant if 31867  
a physical certificate of title or memorandum certificate has been 31868  
issued by a clerk of a court of common pleas. If, under sections 31869  
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 31870  
instead has issued an electronic certificate of title for the 31871  
applicant's motor vehicle, that certificate may be presented for 31872  
inspection at the time of first registration in a manner 31873  
prescribed by rules adopted by the registrar. An applicant is not 31874  
required to present a certificate of title to an electronic motor 31875  
vehicle dealer acting as a limited authority deputy registrar in 31876  
accordance with rules adopted by the registrar. When a motor 31877  
vehicle inspection and maintenance program is in effect under 31878  
section 3704.14 of the Revised Code and rules adopted under it, 31879  
each application for registration for a vehicle required to be 31880  
inspected under that section and those rules shall be accompanied 31881  
by an inspection certificate for the motor vehicle issued in 31882  
accordance with that section. The application shall be refused if 31883  
any of the following applies: 31884

(1) The application is not in proper form. 31885

(2) The application is prohibited from being accepted by 31886  
division (D) of section 2935.27, division (A) of section 2937.221, 31887  
division (A) of section 4503.13, division (B) of section 4510.22, 31888  
or division (B)(1) of section 4521.10 of the Revised Code. 31889

(3) A certificate of title or memorandum certificate of title 31890  
is required but does not accompany the application or, in the case 31891  
of an electronic certificate of title, is required but is not 31892  
presented in a manner prescribed by the registrar's rules. 31893

(4) All registration and transfer fees for the motor vehicle, 31894  
for the preceding year or the preceding period of the current 31895  
registration year, have not been paid. 31896

(5) The owner or lessee does not have an inspection 31897  
certificate for the motor vehicle as provided in section 3704.14 31898  
of the Revised Code, and rules adopted under it, if that section 31899  
is applicable. 31900

This section does not require the payment of license or 31901  
registration taxes on a motor vehicle for any preceding year, or 31902  
for any preceding period of a year, if the motor vehicle was not 31903  
taxable for that preceding year or period under sections 4503.02, 31904  
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 31905  
Revised Code. When a certificate of registration is issued upon 31906  
the first registration of a motor vehicle by or on behalf of the 31907  
owner, the official issuing the certificate shall indicate the 31908  
issuance with a stamp on the certificate of title or memorandum 31909  
certificate or, in the case of an electronic certificate of title, 31910  
an electronic stamp or other notation as specified in rules 31911  
adopted by the registrar, and with a stamp on the inspection 31912  
certificate for the motor vehicle, if any. The official also shall 31913  
indicate, by a stamp or by other means the registrar prescribes, 31914  
on the registration certificate issued upon the first registration 31915  
of a motor vehicle by or on behalf of the owner the odometer 31916  
reading of the motor vehicle as shown in the odometer statement 31917  
included in or attached to the certificate of title. Upon each 31918  
subsequent registration of the motor vehicle by or on behalf of 31919  
the same owner, the official also shall so indicate the odometer 31920  
reading of the motor vehicle as shown on the immediately preceding 31921  
certificate of registration. 31922

The registrar shall include in the permanent registration 31923  
record of any vehicle required to be inspected under section 31924  
3704.14 of the Revised Code the inspection certificate number from 31925

the inspection certificate that is presented at the time of 31926  
registration of the vehicle as required under this division. 31927

(C)(1) Commencing with each registration renewal with an 31928  
expiration date on or after October 1, 2003, and for each initial 31929  
application for registration received on and after that date, the 31930  
registrar and each deputy registrar shall collect an additional 31931  
fee of eleven dollars for each application for registration and 31932  
registration renewal received. The additional fee is for the 31933  
purpose of defraying the department of public safety's costs 31934  
associated with the administration and enforcement of the motor 31935  
vehicle and traffic laws of Ohio. Each deputy registrar shall 31936  
transmit the fees collected under division (C)(1) of this section 31937  
in the time and manner provided in this section. The registrar 31938  
shall deposit all moneys received under division (C)(1) of this 31939  
section into the state highway safety fund established in section 31940  
4501.06 of the Revised Code. 31941

(2) In addition, a charge of twenty-five cents shall be made 31942  
for each reflectorized safety license plate issued, and a single 31943  
charge of twenty-five cents shall be made for each county 31944  
identification sticker or each set of county identification 31945  
stickers issued, as the case may be, to cover the cost of 31946  
producing the license plates and stickers, including material, 31947  
manufacturing, and administrative costs. Those fees shall be in 31948  
addition to the license tax. If the total cost of producing the 31949  
plates is less than twenty-five cents per plate, or if the total 31950  
cost of producing the stickers is less than twenty-five cents per 31951  
sticker or per set issued, any excess moneys accruing from the 31952  
fees shall be distributed in the same manner as provided by 31953  
section 4501.04 of the Revised Code for the distribution of 31954  
license tax moneys. If the total cost of producing the plates 31955  
exceeds twenty-five cents per plate, or if the total cost of 31956  
producing the stickers exceeds twenty-five cents per sticker or 31957

per set issued, the difference shall be paid from the license tax 31958  
moneys collected pursuant to section 4503.02 of the Revised Code. 31959

(D) Each deputy registrar shall be allowed a fee of two 31960  
dollars and seventy-five cents commencing on July 1, 2001, three 31961  
dollars and twenty-five cents commencing on January 1, 2003, and 31962  
three dollars and fifty cents commencing on January 1, 2004, for 31963  
each application for registration and registration renewal notice 31964  
the deputy registrar receives, which shall be for the purpose of 31965  
compensating the deputy registrar for the deputy registrar's 31966  
services, and such office and rental expenses, as may be necessary 31967  
for the proper discharge of the deputy registrar's duties in the 31968  
receiving of applications and renewal notices and the issuing of 31969  
registrations. 31970

(E) Upon the certification of the registrar, the county 31971  
sheriff or local police officials shall recover license plates 31972  
erroneously or fraudulently issued. 31973

(F) Each deputy registrar, upon receipt of any application 31974  
for registration or registration renewal notice, together with the 31975  
license fee and any local motor vehicle license tax levied 31976  
pursuant to Chapter 4504. of the Revised Code, shall transmit that 31977  
fee and tax, if any, in the manner provided in this section, 31978  
together with the original and duplicate copy of the application, 31979  
to the registrar. The registrar, subject to the approval of the 31980  
director of public safety, may deposit the funds collected by 31981  
those deputies in a local bank or depository to the credit of the 31982  
"state of Ohio, bureau of motor vehicles." Where a local bank or 31983  
depository has been designated by the registrar, each deputy 31984  
registrar shall deposit all moneys collected by the deputy 31985  
registrar into that bank or depository not more than one business 31986  
day after their collection and shall make reports to the registrar 31987  
of the amounts so deposited, together with any other information, 31988  
some of which may be prescribed by the treasurer of state, as the 31989

registrar may require and as prescribed by the registrar by rule. 31990  
The registrar, within three days after receipt of notification of 31991  
the deposit of funds by a deputy registrar in a local bank or 31992  
depository, shall draw on that account in favor of the treasurer 31993  
of state. The registrar, subject to the approval of the director 31994  
and the treasurer of state, may make reasonable rules necessary 31995  
for the prompt transmittal of fees and for safeguarding the 31996  
interests of the state and of counties, townships, municipal 31997  
corporations, and transportation improvement districts levying 31998  
local motor vehicle license taxes. The registrar may pay service 31999  
charges usually collected by banks and depositories for such 32000  
service. If deputy registrars are located in communities where 32001  
banking facilities are not available, they shall transmit the fees 32002  
forthwith, by money order or otherwise, as the registrar, by rule 32003  
approved by the director and the treasurer of state, may 32004  
prescribe. The registrar may pay the usual and customary fees for 32005  
such service. 32006

(G) This section does not prevent any person from making an 32007  
application for a motor vehicle license directly to the registrar 32008  
by mail, by electronic means, or in person at any of the 32009  
registrar's offices, upon payment of a service fee of two dollars 32010  
and seventy-five cents commencing on July 1, 2001, three dollars 32011  
and twenty-five cents commencing on January 1, 2003, and three 32012  
dollars and fifty cents commencing on January 1, 2004, for each 32013  
application. 32014

(H) No person shall make a false statement as to the district 32015  
of registration in an application required by division (A) of this 32016  
section. Violation of this division is falsification under section 32017  
2921.13 of the Revised Code and punishable as specified in that 32018  
section. 32019

(I)(1) Where applicable, the requirements of division (B) of 32020  
this section relating to the presentation of an inspection 32021

certificate issued under section 3704.14 of the Revised Code and 32022  
rules adopted under it for a motor vehicle, the refusal of a 32023  
license for failure to present an inspection certificate, and the 32024  
stamping of the inspection certificate by the official issuing the 32025  
certificate of registration apply to the registration of and 32026  
issuance of license plates for a motor vehicle under sections 32027  
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 32028  
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 32029  
4503.47, and 4503.51 of the Revised Code. 32030

(2)(a) The registrar shall adopt rules ensuring that each 32031  
owner registering a motor vehicle in a county where a motor 32032  
vehicle inspection and maintenance program is in effect under 32033  
section 3704.14 of the Revised Code and rules adopted under it 32034  
receives information about the requirements established in that 32035  
section and those rules and about the need in those counties to 32036  
present an inspection certificate with an application for 32037  
registration or preregistration. 32038

(b) Upon request, the registrar shall provide the director of 32039  
environmental protection, or any person that has been awarded a 32040  
contract under ~~division (D)~~ of section 3704.14 of the Revised 32041  
Code, an on-line computer data link to registration information 32042  
for all passenger cars, noncommercial motor vehicles, and 32043  
commercial cars that are subject to that section. The registrar 32044  
also shall provide to the director of environmental protection a 32045  
magnetic data tape containing registration information regarding 32046  
passenger cars, noncommercial motor vehicles, and commercial cars 32047  
for which a multi-year registration is in effect under section 32048  
4503.103 of the Revised Code or rules adopted under it, including, 32049  
without limitation, the date of issuance of the multi-year 32050  
registration, the registration deadline established under rules 32051  
adopted under section 4503.101 of the Revised Code that was 32052  
applicable in the year in which the multi-year registration was 32053

issued, and the registration deadline for renewal of the 32054  
multi-year registration. 32055

(J) Application for registration under the international 32056  
registration plan, as set forth in sections 4503.60 to 4503.66 of 32057  
the Revised Code, shall be made to the registrar on forms 32058  
furnished by the registrar. In accordance with international 32059  
registration plan guidelines and pursuant to rules adopted by the 32060  
registrar, the forms shall include the following: 32061

(1) A uniform mileage schedule; 32062

(2) The gross vehicle weight of the vehicle or combined gross 32063  
vehicle weight of the combination vehicle as declared by the 32064  
registrant; 32065

(3) Any other information the registrar requires by rule. 32066

**Sec. 4503.102.** (A) The registrar of motor vehicles shall 32067  
adopt rules to establish a centralized system of motor vehicle 32068  
registration renewal by mail or by electronic means. Any person 32069  
owning a motor vehicle that was registered in the person's name 32070  
during the preceding registration year shall renew the 32071  
registration of the motor vehicle not more than ninety days prior 32072  
to the expiration date of the registration either by mail or by 32073  
electronic means through the centralized system of registration 32074  
established under this section, or in person at any office of the 32075  
registrar or at a deputy registrar's office. 32076

(B)(1) No less than forty-five days prior to the expiration 32077  
date of any motor vehicle registration, the registrar shall mail a 32078  
renewal notice to the person in whose name the motor vehicle is 32079  
registered. The renewal notice shall clearly state that the 32080  
registration of the motor vehicle may be renewed by mail or 32081  
electronic means through the centralized system of registration or 32082  
in person at any office of the registrar or at a deputy 32083

registrar's office and shall be preprinted with information 32084  
including, but not limited to, the owner's name and residence 32085  
address as shown in the records of the bureau of motor vehicles, a 32086  
brief description of the motor vehicle to be registered, notice of 32087  
the license taxes and fees due on the motor vehicle, the toll-free 32088  
telephone number of the registrar as required under division 32089  
(D)(1) of section 4503.031 of the Revised Code, and any additional 32090  
information the registrar may require by rule. The renewal notice 32091  
shall be sent by regular mail to the owner's last known address as 32092  
shown in the records of the bureau of motor vehicles. 32093

(2) If the application for renewal of the registration of a 32094  
motor vehicle is prohibited from being accepted by the registrar 32095  
or a deputy registrar by division (D) of section 2935.27, division 32096  
(A) of section 2937.221, division (A) of section 4503.13, division 32097  
(B) of section 4510.22, or division (B)(1) of section 4521.10 of 32098  
the Revised Code, the registrar is not required to send a renewal 32099  
notice to the vehicle owner or vehicle lessee. 32100

(C) The owner of the motor vehicle shall verify the 32101  
information contained in the notice, sign it either manually or by 32102  
electronic means, and return it, either by mail or electronic 32103  
means, or the owner may take it in person to any office of the 32104  
registrar or of a deputy registrar, together with a financial 32105  
transaction device number, when permitted by rule of the 32106  
registrar, check, or money order in the amount of the registration 32107  
taxes and fees payable on the motor vehicle and a mail fee of two 32108  
dollars and seventy-five cents commencing on July 1, 2001, three 32109  
dollars and twenty-five cents commencing on January 1, 2003, and 32110  
three dollars and fifty cents commencing on January 1, 2004, plus 32111  
postage as indicated on the notice, if the registration is renewed 32112  
by mail, and an inspection certificate for the motor vehicle as 32113  
provided in section 3704.14 of the Revised Code. If the motor 32114  
vehicle owner chooses to renew the motor vehicle registration by 32115

electronic means, the owner shall proceed in accordance with the 32116  
rules the registrar adopts. 32117

(D) If all registration and transfer fees for the motor 32118  
vehicle for the preceding year or the preceding period of the 32119  
current registration year have not been paid, if division (D) of 32120  
section 2935.27, division (A) of section 2937.221, division (A) of 32121  
section 4503.13, division (B) of section 4510.22, or division 32122  
(B)(1) of section 4521.10 of the Revised Code prohibits acceptance 32123  
of the renewal notice, or if the owner or lessee does not have an 32124  
inspection certificate for the motor vehicle as provided in 32125  
section 3704.14 of the Revised Code, if that section is 32126  
applicable, the license shall be refused, and the registrar or 32127  
deputy registrar shall so notify the owner. This section does not 32128  
require the payment of license or registration taxes on a motor 32129  
vehicle for any preceding year, or for any preceding period of a 32130  
year, if the motor vehicle was not taxable for that preceding year 32131  
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 32132  
4503.16 or Chapter 4504. of the Revised Code. 32133

(E)(1) Failure to receive a renewal notice does not relieve a 32134  
motor vehicle owner from the responsibility to renew the 32135  
registration for the motor vehicle. Any person who has a motor 32136  
vehicle registered in this state and who does not receive a 32137  
renewal notice as provided in division (B) of this section prior 32138  
to the expiration date of the registration shall request an 32139  
application for registration from the registrar or a deputy 32140  
registrar and sign the application manually or by electronic means 32141  
and submit the application and pay any applicable license taxes 32142  
and fees to the registrar or deputy registrar. 32143

(2) If the owner of a motor vehicle submits an application 32144  
for registration and the registrar is prohibited by division (D) 32145  
of section 2935.27, division (A) of section 2937.221, division (A) 32146  
of section 4503.13, division (B) of section 4510.22, or division 32147

(B)(1) of section 4521.10 of the Revised Code from accepting the application, the registrar shall return the application and the payment to the owner. If the owner of a motor vehicle submits a registration renewal application to the registrar by electronic means and the registrar is prohibited from accepting the application as provided in this division, the registrar shall notify the owner of this fact and deny the application and return the payment or give a credit on the financial transaction device account of the owner in the manner the registrar prescribes by rule adopted pursuant to division (A) of this section.

(F) Every deputy registrar shall post in a prominent place at the deputy's office a notice informing the public of the mail registration system required by this section and also shall post a notice that every owner of a motor vehicle and every chauffeur holding a certificate of registration is required to notify the registrar in writing of any change of residence within ten days after the change occurs. The notice shall be in such form as the registrar prescribes by rule.

(G) The two dollars and seventy-five cents fee collected from July 1, 2001, through December 31, 2002, the three dollars and twenty-five cents fee collected from January 1, 2003, through December 31, 2003, and the three dollars and fifty cents fee collected after January 1, 2004, plus postage and any financial transaction device surcharge collected by the registrar for registration by mail, shall be paid to the credit of the state bureau of motor vehicles fund established by section 4501.25 of the Revised Code.

(H)(1) Pursuant to section 113.40 of the Revised Code, the registrar may implement a program permitting payment of motor vehicle registration taxes and fees, driver's license and commercial driver's license fees, and any other taxes, fees, penalties, or charges imposed or levied by the state by means of a

financial transaction device. The registrar may adopt rules as 32180  
necessary for this purpose. 32181

(2) Not later than December 31, 2007, the registrar shall 32182  
adopt rules to implement a program permitting payment in person at 32183  
the office of a deputy registrar of all motor vehicle registration 32184  
taxes and fees, driver's licenses and commercial driver's license 32185  
fees, and any other taxes, fees, penalties, or charges imposed or 32186  
levied by the state by means of a financial transaction device. A 32187  
deputy registrar may choose, but in no case shall be required, to 32188  
participate in this program. 32189

(I) For persons who reside in counties where tailpipe 32190  
emissions inspections are required under the motor vehicle 32191  
inspection and maintenance program, the notice required by 32192  
division (B) of this section shall also include the toll-free 32193  
telephone number maintained by the Ohio environmental protection 32194  
agency to provide information concerning the locations of 32195  
emissions testing centers. 32196

**Sec. 4503.35.** (A) The motor vehicles furnished by the state 32197  
for use by the elective state officials, and motor vehicles owned 32198  
and operated by political subdivisions of the state, are exempt 32199  
from section 4503.23 of the Revised Code. 32200

(B) The ~~motor~~ following vehicles are exempt from section 32201  
4503.23 of the Revised Code: 32202

(1) Motor vehicles operated by troopers of the state highway 32203  
patrol, ~~and motor;~~ 32204

(2) Motor vehicles operated by or on behalf of any person 32205  
whose responsibilities include involvement in authorized civil or 32206  
criminal investigations requiring that the presence and identity 32207  
of the vehicle occupants be undisclosed, ~~are exempt from section 32208~~  
~~4503.23 of the Revised Code;~~ 32209

(3) Motor vehicles used to assist crime victims when a state agency determines that the situation warrants it. 32210  
32211

**Sec. 4505.06.** (A)(1) Application for a certificate of title shall be made in a form prescribed by the registrar of motor vehicles 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 registrar in any county with the clerk of the court of common pleas of that county. Any payments required by this chapter shall be considered as accompanying any electronically transmitted application when payment actually is received by the clerk. Payment of any fee or taxes may be made by electronic transfer of funds. 32212  
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(2) The application for a certificate of title shall be accompanied by the fee prescribed in section 4505.09 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. 32224  
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(3) If a certificate of title previously has been issued for a motor vehicle in this state, the application for a certificate of title also shall be accompanied by that certificate of title duly assigned, unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the motor vehicle in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate or by a certificate of title of another 32233  
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state from which the motor vehicle was brought into this state. If 32241  
the application refers to a motor vehicle last previously 32242  
registered in another state, the application also shall be 32243  
accompanied by the physical inspection certificate required by 32244  
section 4505.061 of the Revised Code. If the application is made 32245  
by two persons regarding a motor vehicle in which they wish to 32246  
establish joint ownership with right of survivorship, they may do 32247  
so as provided in section 2131.12 of the Revised Code. If the 32248  
applicant requests a designation of the motor vehicle in 32249  
beneficiary form so that upon the death of the owner of the motor 32250  
vehicle, ownership of the motor vehicle will pass to a designated 32251  
transfer-on-death beneficiary or beneficiaries, the applicant may 32252  
do so as provided in section 2131.13 of the Revised Code. A person 32253  
who establishes ownership of a motor vehicle that is transferable 32254  
on death in accordance with section 2131.13 of the Revised Code 32255  
may terminate that type of ownership or change the designation of 32256  
the transfer-on-death beneficiary or beneficiaries by applying for 32257  
a certificate of title pursuant to this section. The clerk shall 32258  
retain the evidence of title presented by the applicant and on 32259  
which the certificate of title is issued, except that, if an 32260  
application for a certificate of title is filed electronically by 32261  
an electronic motor vehicle dealer on behalf of the purchaser of a 32262  
motor vehicle, the clerk shall retain the completed electronic 32263  
record to which the dealer converted the certificate of title 32264  
application and other required documents. The registrar, after 32265  
consultation with the attorney general, shall adopt rules that 32266  
govern the location at which, and the manner in which, are stored 32267  
the actual application and all other documents relating to the 32268  
sale of a motor vehicle when an electronic motor vehicle dealer 32269  
files the application for a certificate of title electronically on 32270  
behalf of the purchaser. 32271

The clerk shall use reasonable diligence in ascertaining 32272  
whether or not the facts in the application for a certificate of 32273

title are true by checking the application and documents 32274  
accompanying it or the electronic record to which a dealer 32275  
converted the application and accompanying documents with the 32276  
records of motor vehicles in the clerk's office. If the clerk is 32277  
satisfied that the applicant is the owner of the motor vehicle and 32278  
that the application is in the proper form, the clerk, within five 32279  
business days after the application is filed and except as 32280  
provided in section 4505.021 of the Revised Code, shall issue a 32281  
physical certificate of title over the clerk's signature and 32282  
sealed with the clerk's seal, unless the applicant specifically 32283  
requests the clerk not to issue a physical certificate of title 32284  
and instead to issue an electronic certificate of title. For 32285  
purposes of the transfer of a certificate of title, if the clerk 32286  
is satisfied that the secured party has duly discharged a lien 32287  
notation but has not canceled the lien notation with a clerk, the 32288  
clerk may cancel the lien notation on the automated title 32289  
processing system and notify the clerk of the county of origin. 32290

(4) In the case of the sale of a motor vehicle to a general 32291  
buyer or user by a dealer, by a motor vehicle leasing dealer 32292  
selling the motor vehicle to the lessee or, in a case in which the 32293  
leasing dealer subleased the motor vehicle, the sublessee, at the 32294  
end of the lease agreement or sublease agreement, or by a 32295  
manufactured home broker, the certificate of title shall be 32296  
obtained in the name of the buyer by the dealer, leasing dealer, 32297  
or manufactured home broker, as the case may be, upon application 32298  
signed by the buyer. The certificate of title shall be issued, or 32299  
the process of entering the certificate of title application 32300  
information into the automated title processing system if a 32301  
physical certificate of title is not to be issued shall be 32302  
completed, within five business days after the application for 32303  
title is filed with the clerk. If the buyer of the motor vehicle 32304  
previously leased the motor vehicle and is buying the motor 32305  
vehicle at the end of the lease pursuant to that lease, the 32306

certificate of title shall be obtained in the name of the buyer by 32307  
the motor vehicle leasing dealer who previously leased the motor 32308  
vehicle to the buyer or by the motor vehicle leasing dealer who 32309  
subleased the motor vehicle to the buyer under a sublease 32310  
agreement. 32311

In all other cases, except as provided in section 4505.032 32312  
and division (D)(2) of section 4505.11 of the Revised Code, such 32313  
certificates shall be obtained by the buyer. 32314

(5)(a)(i) If the certificate of title is being obtained in 32315  
the name of the buyer by a motor vehicle dealer or motor vehicle 32316  
leasing dealer and there is a security interest to be noted on the 32317  
certificate of title, the dealer or leasing dealer shall submit 32318  
the application for the certificate of title and payment of the 32319  
applicable tax to a clerk within seven business days after the 32320  
later of the delivery of the motor vehicle to the buyer or the 32321  
date the dealer or leasing dealer obtains the manufacturer's or 32322  
importer's certificate, or certificate of title issued in the name 32323  
of the dealer or leasing dealer, for the motor vehicle. Submission 32324  
of the application for the certificate of title and payment of the 32325  
applicable tax within the required seven business days may be 32326  
indicated by postmark or receipt by a clerk within that period. 32327

(ii) Upon receipt of the certificate of title with the 32328  
security interest noted on its face, the dealer or leasing dealer 32329  
shall forward the certificate of title to the secured party at the 32330  
location noted in the financing documents or otherwise specified 32331  
by the secured party. 32332

(iii) A motor vehicle dealer or motor vehicle leasing dealer 32333  
is liable to a secured party for a late fee of ten dollars per day 32334  
for each certificate of title application and payment of the 32335  
applicable tax that is submitted to a clerk more than seven 32336  
business days but less than twenty-one days after the later of the 32337  
delivery of the motor vehicle to the buyer or the date the dealer 32338

or leasing dealer obtains the manufacturer's or importer's 32339  
certificate, or certificate of title issued in the name of the 32340  
dealer or leasing dealer, for the motor vehicle and, from then on, 32341  
twenty-five dollars per day until the application and applicable 32342  
tax are submitted to a clerk. 32343

(b) In all cases of transfer of a motor vehicle, the 32344  
application for certificate of title shall be filed within thirty 32345  
days after the assignment or delivery of the motor vehicle. If an 32346  
application for a certificate of title is not filed within the 32347  
period specified in division (A)(5)(b) of this section, the clerk 32348  
shall collect a fee of five dollars for the issuance of the 32349  
certificate, except that no such fee shall be required from a 32350  
motor vehicle salvage dealer, as defined in division (A) of 32351  
section 4738.01 of the Revised Code, who immediately surrenders 32352  
the certificate of title for cancellation. The fee shall be in 32353  
addition to all other fees established by this chapter, and shall 32354  
be retained by the clerk. The registrar shall provide, on the 32355  
certificate of title form prescribed by section 4505.07 of the 32356  
Revised Code, language necessary to give evidence of the date on 32357  
which the assignment or delivery of the motor vehicle was made. 32358

(6) As used in division (A) of this section, "lease 32359  
agreement," "lessee," and "sublease agreement" have the same 32360  
meanings as in section 4505.04 of the Revised Code. 32361

(B)(1) The clerk, except as provided in this section, shall 32362  
refuse to accept for filing any application for a certificate of 32363  
title and shall refuse to issue a certificate of title unless the 32364  
dealer or manufactured home broker or the applicant, in cases in 32365  
which the certificate shall be obtained by the buyer, submits with 32366  
the application payment of the tax levied by or pursuant to 32367  
Chapters 5739. and 5741. of the Revised Code based on the 32368  
purchaser's county of residence. Upon payment of the tax in 32369  
accordance with division (E) of this section, the clerk shall 32370

issue a receipt prescribed by the registrar and agreed upon by the 32371  
tax commissioner showing payment of the tax or a receipt issued by 32372  
the commissioner showing the payment of the tax. ~~When submitting~~ 32373  
~~payment of the tax to the clerk, a dealer shall retain any~~ 32374  
~~discount to which the dealer is entitled under section 5739.12 of~~ 32375  
~~the Revised Code.~~ 32376

(2) For receiving and disbursing such taxes paid to the clerk 32377  
by a resident of the clerk's county, the clerk may retain a 32378  
poundage fee of one and one one-hundredth per cent, and the clerk 32379  
shall pay the poundage fee into the certificate of title 32380  
administration fund created by section 325.33 of the Revised Code. 32381  
The clerk shall not retain a poundage fee from payments of taxes 32382  
by persons who do not reside in the clerk's county. 32383

A clerk, however, may retain from the taxes paid to the clerk 32384  
an amount equal to the poundage fees associated with certificates 32385  
of title issued by other clerks of courts of common pleas to 32386  
applicants who reside in the first clerk's county. The registrar, 32387  
in consultation with the tax commissioner and the clerks of the 32388  
courts of common pleas, shall develop a report from the automated 32389  
title processing system that informs each clerk of the amount of 32390  
the poundage fees that the clerk is permitted to retain from those 32391  
taxes because of certificates of title issued by the clerks of 32392  
other counties to applicants who reside in the first clerk's 32393  
county. 32394

(3) In the case of casual sales of motor vehicles, as defined 32395  
in section 4517.01 of the Revised Code, the price for the purpose 32396  
of determining the tax shall be the purchase price on the assigned 32397  
certificate of title executed by the seller and filed with the 32398  
clerk by the buyer on a form to be prescribed by the registrar, 32399  
which shall be prima-facie evidence of the amount for the 32400  
determination of the tax. 32401

(4) Each county clerk shall forward to the treasurer of state 32402

all sales and use tax collections resulting from sales of motor 32403  
vehicles, off-highway motorcycles, and all-purpose vehicles during 32404  
a calendar week on or before the Friday following the close of 32405  
that week. If, on any Friday, the offices of the clerk of courts 32406  
or the state are not open for business, the tax shall be forwarded 32407  
to the treasurer of state on or before the next day on which the 32408  
offices are open. Every remittance of tax under division (B)(4) of 32409  
this section shall be accompanied by a remittance report in such 32410  
form as the tax commissioner prescribes. Upon receipt of a tax 32411  
remittance and remittance report, the treasurer of state shall 32412  
date stamp the report and forward it to the tax commissioner. If 32413  
the tax due for any week is not remitted by a clerk of courts as 32414  
required under division (B)(4) of this section, the commissioner 32415  
may require the clerk to forfeit the poundage fees for the sales 32416  
made during that week. The treasurer of state may require the 32417  
clerks of courts to transmit tax collections and remittance 32418  
reports electronically. 32419

(C)(1) If the transferor indicates on the certificate of 32420  
title that the odometer reflects mileage in excess of the designed 32421  
mechanical limit of the odometer, the clerk shall enter the phrase 32422  
"exceeds mechanical limits" following the mileage designation. If 32423  
the transferor indicates on the certificate of title that the 32424  
odometer reading is not the actual mileage, the clerk shall enter 32425  
the phrase "nonactual: warning - odometer discrepancy" following 32426  
the mileage designation. The clerk shall use reasonable care in 32427  
transferring the information supplied by the transferor, but is 32428  
not liable for any errors or omissions of the clerk or those of 32429  
the clerk's deputies in the performance of the clerk's duties 32430  
created by this chapter. 32431

The registrar shall prescribe an affidavit in which the 32432  
transferor shall swear to the true selling price and, except as 32433  
provided in this division, the true odometer reading of the motor 32434

vehicle. The registrar may prescribe an affidavit in which the 32435  
seller and buyer provide information pertaining to the odometer 32436  
reading of the motor vehicle in addition to that required by this 32437  
section, as such information may be required by the United States 32438  
secretary of transportation by rule prescribed under authority of 32439  
subchapter IV of the "Motor Vehicle Information and Cost Savings 32440  
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 32441

(2) Division (C)(1) of this section does not require the 32442  
giving of information concerning the odometer and odometer reading 32443  
of a motor vehicle when ownership of a motor vehicle is being 32444  
transferred as a result of a bequest, under the laws of intestate 32445  
succession, to a survivor pursuant to section 2106.18, 2131.12, or 32446  
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 32447  
beneficiaries pursuant to section 2131.13 of the Revised Code, in 32448  
connection with the creation of a security interest or for a 32449  
vehicle with a gross vehicle weight rating of more than sixteen 32450  
thousand pounds. 32451

(D) When the transfer to the applicant was made in some other 32452  
state or in interstate commerce, the clerk, except as provided in 32453  
this section, shall refuse to issue any certificate of title 32454  
unless the tax imposed by or pursuant to Chapter 5741. of the 32455  
Revised Code based on the purchaser's county of residence has been 32456  
paid as evidenced by a receipt issued by the tax commissioner, or 32457  
unless the applicant submits with the application payment of the 32458  
tax. Upon payment of the tax in accordance with division (E) of 32459  
this section, the clerk shall issue a receipt prescribed by the 32460  
registrar and agreed upon by the tax commissioner, showing payment 32461  
of the tax. 32462

For receiving and disbursing such taxes paid to the clerk by 32463  
a resident of the clerk's county, the clerk may retain a poundage 32464  
fee of one and one one-hundredth per cent. The clerk shall not 32465  
retain a poundage fee from payments of taxes by persons who do not 32466

reside in the clerk's county. 32467

A clerk, however, may retain from the taxes paid to the clerk 32468  
an amount equal to the poundage fees associated with certificates 32469  
of title issued by other clerks of courts of common pleas to 32470  
applicants who reside in the first clerk's county. The registrar, 32471  
in consultation with the tax commissioner and the clerks of the 32472  
courts of common pleas, shall develop a report from the automated 32473  
title processing system that informs each clerk of the amount of 32474  
the poundage fees that the clerk is permitted to retain from those 32475  
taxes because of certificates of title issued by the clerks of 32476  
other counties to applicants who reside in the first clerk's 32477  
county. 32478

When the vendor is not regularly engaged in the business of 32479  
selling motor vehicles, the vendor shall not be required to 32480  
purchase a vendor's license or make reports concerning those 32481  
sales. 32482

(E) The clerk shall accept any payment of a tax in cash, or 32483  
by cashier's check, certified check, draft, money order, or teller 32484  
check issued by any insured financial institution payable to the 32485  
clerk and submitted with an application for a certificate of title 32486  
under division (B) or (D) of this section. The clerk also may 32487  
accept payment of the tax by corporate, business, or personal 32488  
check, credit card, electronic transfer or wire transfer, debit 32489  
card, or any other accepted form of payment made payable to the 32490  
clerk. The clerk may require bonds, guarantees, or letters of 32491  
credit to ensure the collection of corporate, business, or 32492  
personal checks. Any service fee charged by a third party to a 32493  
clerk for the use of any form of payment may be paid by the clerk 32494  
from the certificate of title administration fund created in 32495  
section 325.33 of the Revised Code, or may be assessed by the 32496  
clerk upon the applicant as an additional fee. Upon collection, 32497  
the additional fees shall be paid by the clerk into that 32498

certificate of title administration fund. 32499

The clerk shall make a good faith effort to collect any 32500  
payment of taxes due but not made because the payment was returned 32501  
or dishonored, but the clerk is not personally liable for the 32502  
payment of uncollected taxes or uncollected fees. The clerk shall 32503  
notify the tax commissioner of any such payment of taxes that is 32504  
due but not made and shall furnish the information to the 32505  
commissioner that the commissioner requires. The clerk shall 32506  
deduct the amount of taxes due but not paid from the clerk's 32507  
periodic remittance of tax payments, in accordance with procedures 32508  
agreed upon by the tax commissioner. The commissioner may collect 32509  
taxes due by assessment in the manner provided in section 5739.13 32510  
of the Revised Code. 32511

Any person who presents payment that is returned or 32512  
dishonored for any reason is liable to the clerk for payment of a 32513  
penalty over and above the amount of the taxes due. The clerk 32514  
shall determine the amount of the penalty, and the penalty shall 32515  
be no greater than that amount necessary to compensate the clerk 32516  
for banking charges, legal fees, or other expenses incurred by the 32517  
clerk in collecting the returned or dishonored payment. The 32518  
remedies and procedures provided in this section are in addition 32519  
to any other available civil or criminal remedies. Subsequently 32520  
collected penalties, poundage fees, and title fees, less any title 32521  
fee due the state, from returned or dishonored payments collected 32522  
by the clerk shall be paid into the certificate of title 32523  
administration fund. Subsequently collected taxes, less poundage 32524  
fees, shall be sent by the clerk to the treasurer of state at the 32525  
next scheduled periodic remittance of tax payments, with 32526  
information as the commissioner may require. The clerk may abate 32527  
all or any part of any penalty assessed under this division. 32528

(F) In the following cases, the clerk shall accept for filing 32529  
an application and shall issue a certificate of title without 32530

requiring payment or evidence of payment of the tax: 32531

(1) When the purchaser is this state or any of its political 32532  
subdivisions, a church, or an organization whose purchases are 32533  
exempted by section 5739.02 of the Revised Code; 32534

(2) When the transaction in this state is not a retail sale 32535  
as defined by section 5739.01 of the Revised Code; 32536

(3) When the purchase is outside this state or in interstate 32537  
commerce and the purpose of the purchaser is not to use, store, or 32538  
consume within the meaning of section 5741.01 of the Revised Code; 32539

(4) When the purchaser is the federal government; 32540

(5) When the motor vehicle was purchased outside this state 32541  
for use outside this state; 32542

(6) When the motor vehicle is purchased by a nonresident of 32543  
~~this state for immediate removal from this state, and will be~~ 32544  
~~permanently titled and registered in another state, as provided by~~ 32545  
~~division (B)(23) of section 5739.02 under the circumstances~~ 32546  
described in division (B)(1) of section 5739.029 of the Revised 32547  
Code, and upon presentation of a copy of the affidavit provided by 32548  
that section, and a copy of the exemption certificate provided by 32549  
section 5739.03 of the Revised Code. 32550

(G) An application, as prescribed by the registrar and agreed 32551  
to by the tax commissioner, shall be filled out and sworn to by 32552  
the buyer of a motor vehicle in a casual sale. The application 32553  
shall contain the following notice in bold lettering: "WARNING TO 32554  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 32555  
law to state the true selling price. A false statement is in 32556  
violation of section 2921.13 of the Revised Code and is punishable 32557  
by six months' imprisonment or a fine of up to one thousand 32558  
dollars, or both. All transfers are audited by the department of 32559  
taxation. The seller and buyer must provide any information 32560  
requested by the department of taxation. The buyer may be assessed 32561

any additional tax found to be due." 32562

(H) For sales of manufactured homes or mobile homes occurring 32563  
on or after January 1, 2000, the clerk shall accept for filing, 32564  
pursuant to Chapter 5739. of the Revised Code, an application for 32565  
a certificate of title for a manufactured home or mobile home 32566  
without requiring payment of any tax pursuant to section 5739.02, 32567  
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 32568  
issued by the tax commissioner showing payment of the tax. For 32569  
sales of manufactured homes or mobile homes occurring on or after 32570  
January 1, 2000, the applicant shall pay to the clerk an 32571  
additional fee of five dollars for each certificate of title 32572  
issued by the clerk for a manufactured or mobile home pursuant to 32573  
division (H) of section 4505.11 of the Revised Code and for each 32574  
certificate of title issued upon transfer of ownership of the 32575  
home. The clerk shall credit the fee to the county certificate of 32576  
title administration fund, and the fee shall be used to pay the 32577  
expenses of archiving those certificates pursuant to division (A) 32578  
of section 4505.08 and division (H)(3) of section 4505.11 of the 32579  
Revised Code. The tax commissioner shall administer any tax on a 32580  
manufactured or mobile home pursuant to Chapters 5739. and 5741. 32581  
of the Revised Code. 32582

(I) Every clerk shall have the capability to transact by 32583  
electronic means all procedures and transactions relating to the 32584  
issuance of motor vehicle certificates of title that are described 32585  
in the Revised Code as being accomplished by electronic means. 32586

**Sec. 4513.263.** (A) As used in this section and in section 32587  
4513.99 of the Revised Code: 32588

(1) "Automobile" means any commercial tractor, passenger car, 32589  
commercial car, or truck that is required to be factory-equipped 32590  
with an occupant restraining device for the operator or any 32591  
passenger by regulations adopted by the United States secretary of 32592

transportation pursuant to the "National Traffic and Motor Vehicle  
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 32593  
32594

(2) "Occupant restraining device" means a seat safety belt,  
shoulder belt, harness, or other safety device for restraining a  
person who is an operator of or passenger in an automobile and  
that satisfies the minimum federal vehicle safety standards  
established by the United States department of transportation. 32595  
32596  
32597  
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(3) "Passenger" means any person in an automobile, other than  
its operator, who is occupying a seating position for which an  
occupant restraining device is provided. 32600  
32601  
32602

(4) "Commercial tractor," "passenger car," and "commercial  
car" have the same meanings as in section 4501.01 of the Revised  
Code. 32603  
32604  
32605

(5) "Vehicle" and "motor vehicle," as used in the definitions  
of the terms set forth in division (A)(4) of this section, have  
the same meanings as in section 4511.01 of the Revised Code. 32606  
32607  
32608

(6) "Tort action" means a civil action for damages for  
injury, death, or loss to person or property. "Tort action"  
includes a product liability claim, as defined in section 2307.71  
of the Revised Code, and an asbestos claim, as defined in section  
2307.91 of the Revised Code, but does not include a civil action  
for damages for breach of contract or another agreement between  
persons. 32609  
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(B) No person shall do any of the following: 32616

(1) Operate an automobile on any street or highway unless  
that person is wearing all of the available elements of a properly  
adjusted occupant restraining device, or operate a school bus that  
has an occupant restraining device installed for use in its  
operator's seat unless that person is wearing all of the available  
elements of the device, as properly adjusted; 32617  
32618  
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(2) Operate an automobile on any street or highway unless 32623  
each passenger in the automobile who is subject to the requirement 32624  
set forth in division (B)(3) of this section is wearing all of the 32625  
available elements of a properly adjusted occupant restraining 32626  
device; 32627

(3) Occupy, as a passenger, a seating position on the front 32628  
seat of an automobile being operated on any street or highway 32629  
unless that person is wearing all of the available elements of a 32630  
properly adjusted occupant restraining device; 32631

(4) Operate a taxicab on any street or highway unless all 32632  
factory-equipped occupant restraining devices in the taxicab are 32633  
maintained in usable form. 32634

(C) Division (B)(3) of this section does not apply to a 32635  
person who is required by section 4511.81 of the Revised Code to 32636  
be secured in a child restraint device. Division (B)(1) of this 32637  
section does not apply to a person who is an employee of the 32638  
United States postal service or of a newspaper home delivery 32639  
service, during any period in which the person is engaged in the 32640  
operation of an automobile to deliver mail or newspapers to 32641  
addressees. Divisions (B)(1) and (3) of this section do not apply 32642  
to a person who has an affidavit signed by a physician licensed to 32643  
practice in this state under Chapter 4731. of the Revised Code or 32644  
a chiropractor licensed to practice in this state under Chapter 32645  
4734. of the Revised Code that states that the person has a 32646  
physical impairment that makes use of an occupant restraining 32647  
device impossible or impractical. 32648

(D) Notwithstanding any provision of law to the contrary, no 32649  
law enforcement officer shall cause an operator of an automobile 32650  
being operated on any street or highway to stop the automobile for 32651  
the sole purpose of determining whether a violation of division 32652  
(B) of this section has been or is being committed or for the sole 32653  
purpose of issuing a ticket, citation, or summons for a violation 32654

of that nature or causing the arrest of or commencing a 32655  
prosecution of a person for a violation of that nature, and no law 32656  
enforcement officer shall view the interior or visually inspect 32657  
any automobile being operated on any street or highway for the 32658  
sole purpose of determining whether a violation of that nature has 32659  
been or is being committed. 32660

(E) All fines collected for violations of division (B) of 32661  
this section, or for violations of any ordinance or resolution of 32662  
a political subdivision that is substantively comparable to that 32663  
division, shall be forwarded to the treasurer of state for deposit 32664  
as follows: 32665

(1) Eight per cent shall be deposited into the seat belt 32666  
education fund, which is hereby created in the state treasury, and 32667  
shall be used by the department of public safety to establish a 32668  
seat belt education program. 32669

(2) Eight per cent shall be deposited into the elementary 32670  
school program fund, which is hereby created in the state 32671  
treasury, and shall be used by the department of public safety to 32672  
establish and administer elementary school programs that encourage 32673  
seat safety belt use. 32674

(3) Two per cent shall be deposited into the ~~Ohio medical~~ 32675  
~~transportation trust~~ occupational licensing and regulatory fund 32676  
created by section ~~4766.05~~ 4743.05 of the Revised Code. 32677

(4) Twenty-eight per cent shall be deposited into the trauma 32678  
and emergency medical services fund, which is hereby created in 32679  
the state treasury, and shall be used by the department of public 32680  
safety for the administration of the division of emergency medical 32681  
services and the state board of emergency medical services. 32682

(5) Fifty-four per cent shall be deposited into the trauma 32683  
and emergency medical services grants fund, which is hereby 32684  
created in the state treasury, and shall be used by the state 32685

board of emergency medical services to make grants, in accordance 32686  
with section 4765.07 of the Revised Code and rules the board 32687  
adopts under section 4765.11 of the Revised Code. 32688

(F)(1) Subject to division (F)(2) of this section, the 32689  
failure of a person to wear all of the available elements of a 32690  
properly adjusted occupant restraining device in violation of 32691  
division (B)(1) or (3) of this section or the failure of a person 32692  
to ensure that each minor who is a passenger of an automobile 32693  
being operated by that person is wearing all of the available 32694  
elements of a properly adjusted occupant restraining device in 32695  
violation of division (B)(2) of this section shall not be 32696  
considered or used by the trier of fact in a tort action as 32697  
evidence of negligence or contributory negligence. But, the trier 32698  
of fact may determine based on evidence admitted consistent with 32699  
the Ohio ~~rules~~ Rules of ~~evidence~~ Evidence that the failure 32700  
contributed to the harm alleged in the tort action and may 32701  
diminish a recovery of compensatory damages that represents 32702  
noneconomic loss, as defined in section 2307.011 of the Revised 32703  
Code, in a tort action that could have been recovered but for the 32704  
plaintiff's failure to wear all of the available elements of a 32705  
properly adjusted occupant restraining device. Evidence of that 32706  
failure shall not be used as a basis for a criminal prosecution of 32707  
the person other than a prosecution for a violation of this 32708  
section; and shall not be admissible as evidence in a criminal 32709  
action involving the person other than a prosecution for a 32710  
violation of this section. 32711

(2) If, at the time of an accident involving a passenger car 32712  
equipped with occupant restraining devices, any occupant of the 32713  
passenger car who sustained injury or death was not wearing an 32714  
available occupant restraining device, was not wearing all of the 32715  
available elements of such a device, or was not wearing such a 32716  
device as properly adjusted, then, consistent with the Rules of 32717

Evidence, the fact that the occupant was not wearing the available 32718  
occupant restraining device, was not wearing all of the available 32719  
elements of such a device, or was not wearing such a device as 32720  
properly adjusted is admissible in evidence in relation to any 32721  
claim for relief in a tort action to the extent that the claim for 32722  
relief satisfies all of the following: 32723

(a) It seeks to recover damages for injury or death to the 32724  
occupant. 32725

(b) The defendant in question is the manufacturer, designer, 32726  
distributor, or seller of the passenger car. 32727

(c) The claim for relief against the defendant in question is 32728  
that the injury or death sustained by the occupant was enhanced or 32729  
aggravated by some design defect in the passenger car or that the 32730  
passenger car was not crashworthy. 32731

(G)(1) Whoever violates division (B)(1) of this section shall 32732  
be fined thirty dollars. 32733

(2) Whoever violates division (B)(3) of this section shall be 32734  
fined twenty dollars. 32735

(3) Except as otherwise provided in this division, whoever 32736  
violates division (B)(4) of this section is guilty of a minor 32737  
misdemeanor. If the offender previously has been convicted of or 32738  
pleaded guilty to a violation of division (B)(4) of this section, 32739  
whoever violates division (B)(4) of this section is guilty of a 32740  
misdemeanor of the third degree. 32741

**Sec. 4513.35.** (A) All fines collected under sections 4511.01 32742  
to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code 32743  
shall be paid into the county treasury and, with the exception of 32744  
that portion distributed under section 3375.53 of the Revised 32745  
Code, shall be placed to the credit of the fund for the 32746  
maintenance and repair of the highways within that county, except 32747

that: 32748

(1) All fines for violations of division (B) of section 32749  
4513.263 shall be delivered to the treasurer of state as provided 32750  
in division (E) of section 4513.263 of the Revised Code. 32751

(2) All fines collected from, or moneys arising from bonds 32752  
forfeited by, persons apprehended or arrested by state highway 32753  
patrolmen shall be distributed as provided in section 5503.04 of 32754  
the Revised Code. 32755

(3)(a) Subject to division (E) of section 4513.263 of the 32756  
Revised Code and except as otherwise provided in division 32757  
(A)(3)(b) of this section, one-half of all fines collected from, 32758  
and one-half of all moneys arising from bonds forfeited by, 32759  
persons apprehended or arrested by a township constable or other 32760  
township police officer shall be paid to the township treasury to 32761  
be placed to the credit of the general fund. 32762

(b) All fines collected from, and all moneys arising from 32763  
bonds forfeited by, persons apprehended or arrested by a township 32764  
constable or other township police officer pursuant to division 32765  
(B)(2) of section 4513.39 of the Revised Code for a violation of 32766  
section 4511.21 of the Revised Code or any other law, ordinance, 32767  
or regulation pertaining to speed that occurred on a highway 32768  
included as part of the interstate system, as defined in section 32769  
5516.01 of the Revised Code, shall be paid into the county 32770  
treasury and be credited as provided in the first paragraph of 32771  
this section. 32772

(B) Notwithstanding any other provision of this section or of 32773  
any other section of the Revised Code: 32774

(1) All fines collected from, and all moneys arising from 32775  
bonds forfeited by, persons arrested under division (E)(1) or (2) 32776  
of section 2935.03 of the Revised Code are deemed to be collected, 32777  
and to arise, from arrests made within the jurisdiction in which 32778

the arresting officer is appointed, elected, or employed, for 32779  
violations of one of the sections or chapters of the Revised Code 32780  
listed in division (E)(1) of that section and shall be distributed 32781  
accordingly. 32782

(2) All fines collected from, and all moneys arising from 32783  
bonds forfeited by, persons arrested under division (E)(3) of 32784  
section 2935.03 of the Revised Code are deemed to be collected, 32785  
and to arise, from arrests made within the jurisdiction in which 32786  
the arresting officer is appointed, elected, or employed, for 32787  
violations of municipal ordinances that are substantially 32788  
equivalent to one of the sections or one of the provisions of one 32789  
of the chapters of the Revised Code listed in division (E)(1) of 32790  
that section and for violations of one of the sections or one of 32791  
the provisions of one of the chapters of the Revised Code listed 32792  
in division (E)(1) of that section, and shall be distributed 32793  
accordingly. 32794

**Sec. 4519.55.** Application for a certificate of title for an 32795  
off-highway motorcycle or all-purpose vehicle shall be made upon a 32796  
form prescribed by the registrar of motor vehicles and shall be 32797  
sworn to before a notary public or other officer empowered to 32798  
administer oaths. The application shall be filed with the clerk of 32799  
any court of common pleas. An application for a certificate of 32800  
title may be filed electronically by any electronic means approved 32801  
by the registrar in any county with the clerk of the court of 32802  
common pleas of that county. 32803

If an application for a certificate of title is filed 32804  
electronically by an electronic dealer on behalf of the purchaser 32805  
of an off-highway motorcycle or all-purpose vehicle, the clerk 32806  
shall retain the completed electronic record to which the dealer 32807  
converted the certificate of title application and other required 32808  
documents. The registrar, after consultation with the attorney 32809

general, shall adopt rules that govern the location at which, and 32810  
the manner in which, are stored the actual application and all 32811  
other documents relating to the sale of an off-highway motorcycle 32812  
or all-purpose vehicle when an electronic dealer files the 32813  
application for a certificate of title electronically on behalf of 32814  
the purchaser. 32815

The application shall be accompanied by the fee prescribed in 32816  
section 4519.59 of the Revised Code. The fee shall be retained by 32817  
the clerk who issues the certificate of title and shall be 32818  
distributed in accordance with that section. If a clerk of a court 32819  
of common pleas, other than the clerk of the court of common pleas 32820  
of an applicant's county of residence, issues a certificate of 32821  
title to the applicant, the clerk shall transmit data related to 32822  
the transaction to the automated title processing system. 32823

If a certificate of title previously has been issued for an 32824  
off-highway motorcycle or all-purpose vehicle, the application 32825  
also shall be accompanied by the certificate of title duly 32826  
assigned, unless otherwise provided in this chapter. If a 32827  
certificate of title previously has not been issued for the 32828  
off-highway motorcycle or all-purpose vehicle, the application, 32829  
unless otherwise provided in this chapter, shall be accompanied by 32830  
a manufacturer's or importer's certificate; by a sworn statement 32831  
of ownership; or by a certificate of title, bill of sale, or other 32832  
evidence of ownership required by law of another state from which 32833  
the off-highway motorcycle or all-purpose vehicle was brought into 32834  
this state. The registrar, in accordance with Chapter 119. of the 32835  
Revised Code, shall prescribe the types of additional 32836  
documentation sufficient to establish proof of ownership, 32837  
including, but not limited to, receipts from the purchase of parts 32838  
or components, photographs, and affidavits of other persons. 32839

For purposes of the transfer of a certificate of title, if 32840  
the clerk is satisfied that a secured party has duly discharged a 32841

lien notation but has not canceled the lien notation with a clerk, 32842  
the clerk may cancel the lien notation on the automated title 32843  
processing system and notify the clerk of the county of origin. 32844

In the case of the sale of an off-highway motorcycle or 32845  
all-purpose vehicle by a dealer to a general purchaser or user, 32846  
the certificate of title shall be obtained in the name of the 32847  
purchaser by the dealer upon application signed by the purchaser. 32848  
In all other cases, the certificate shall be obtained by the 32849  
purchaser. In all cases of transfer of an off-highway motorcycle 32850  
or all-purpose vehicle, the application for certificate of title 32851  
shall be filed within thirty days after the later of the date of 32852  
purchase or assignment of ownership of the off-highway motorcycle 32853  
or all-purpose vehicle. If the application for certificate of 32854  
title is not filed within thirty days after the later of the date 32855  
of purchase or assignment of ownership of the off-highway 32856  
motorcycle or all-purpose vehicle, the clerk shall charge a late 32857  
filing fee of five dollars in addition to the fee prescribed by 32858  
section 4519.59 of the Revised Code. The clerk shall retain the 32859  
entire amount of each late filing fee. 32860

Except in the case of an off-highway motorcycle or 32861  
all-purpose vehicle purchased prior to July 1, 1999, the clerk 32862  
shall refuse to accept an application for certificate of title 32863  
unless the applicant either tenders with the application payment 32864  
of all taxes levied by or pursuant to Chapter 5739. or 5741. of 32865  
the Revised Code based on the purchaser's county of residence, or 32866  
submits either of the following: 32867

(A) A receipt issued by the tax commissioner or a clerk of 32868  
courts showing payment of the tax; 32869

(B) An exemption certificate, in any form prescribed by the 32870  
tax commissioner, that specifies why the purchase is not subject 32871  
to the tax imposed by Chapter 5739. or 5741. of the Revised Code. 32872

Payment of the tax shall be made in accordance with division 32873  
(E) of section 4505.06 of the Revised Code and any rules issued by 32874  
the tax commissioner. ~~When a dealer submits payment of the tax to~~ 32875  
~~the clerk, the dealer shall retain any discount to which the~~ 32876  
~~dealer is entitled under section 5739.12 of the Revised Code.~~ The 32877  
clerk shall issue a receipt in the form prescribed by the tax 32878  
commissioner to any applicant who tenders payment of the tax with 32879  
the application for a certificate of title. If the application for 32880  
a certificate of title is for an off-highway motorcycle or 32881  
all-purpose vehicle purchased prior to July 1, 1999, the clerk 32882  
shall accept the application without payment of the taxes levied 32883  
by or pursuant to Chapter 5739. or 5741. of the Revised Code or 32884  
presentation of either of the items listed in division (A) or (B) 32885  
of this section. 32886

For receiving and disbursing such taxes paid to the clerk by 32887  
a resident of the clerk's county, the clerk may retain a poundage 32888  
fee of one and one-hundredth per cent of the taxes collected, 32889  
which shall be paid into the certificate of title administration 32890  
fund created by section 325.33 of the Revised Code. The clerk 32891  
shall not retain a poundage fee from payments of taxes by persons 32892  
who do not reside in the clerk's county. 32893

A clerk, however, may retain from the taxes paid to the clerk 32894  
an amount equal to the poundage fees associated with certificates 32895  
of title issued by other clerks of courts of common pleas to 32896  
applicants who reside in the first clerk's county. The registrar, 32897  
in consultation with the tax commissioner and the clerks of the 32898  
courts of common pleas, shall develop a report from the automated 32899  
title processing system that informs each clerk of the amount of 32900  
the poundage fees that the clerk is permitted to retain from those 32901  
taxes because of certificates of title issued by the clerks of 32902  
other counties to applicants who reside in the first clerk's 32903  
county. 32904

In the case of casual sales of off-highway motorcycles or 32905  
all-purpose vehicles that are subject to the tax imposed by 32906  
Chapter 5739. or 5741. of the Revised Code, the purchase price for 32907  
the purpose of determining the tax shall be the purchase price on 32908  
an affidavit executed and filed with the clerk by the seller on a 32909  
form to be prescribed by the registrar, which shall be prima-facie 32910  
evidence of the price for the determination of the tax. 32911

In addition to the information required by section 4519.57 of 32912  
the Revised Code, each certificate of title shall contain in bold 32913  
lettering the following notification and statements: "WARNING TO 32914  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 32915  
law to state the true selling price. A false statement is in 32916  
violation of section 2921.13 of the Revised Code and is punishable 32917  
by six months imprisonment or a fine of up to one thousand 32918  
dollars, or both. All transfers are audited by the department of 32919  
taxation. The seller and buyer must provide any information 32920  
requested by the department of taxation. The buyer may be assessed 32921  
any additional tax found to be due." 32922

The clerk shall forward all payments of taxes, less poundage 32923  
fees, to the treasurer of state in a manner to be prescribed by 32924  
the tax commissioner and shall furnish information to the 32925  
commissioner as the commissioner may require. 32926

Every clerk shall have the capability to transact by 32927  
electronic means all procedures and transactions relating to the 32928  
issuance of certificates of title for off-highway motorcycles and 32929  
all-purpose vehicles that are described in the Revised Code as 32930  
being accomplished by electronic means. 32931

**Sec. 4715.251.** Each person licensed to practice as a dental 32932  
hygienist and required to register with the state dental board 32933  
shall, each time ~~he~~ the person applies for renewal of registration 32934  
beginning in 1995, be currently certified to perform basic 32935

life-support procedures by having successfully completed a basic 32936  
life-support training course certified by ~~either~~ the American red 32937  
cross ~~or~~, the American heart association, or, if determined 32938  
equivalent by the board, the American safety and health institute. 32939  
An applicant for renewal of registration shall certify on the 32940  
application for renewal of registration prescribed by the board 32941  
under section 4715.24 of the Revised Code that ~~he~~ the applicant 32942  
possesses the certification required by this section. 32943

The board shall, not later than one hundred eighty days after 32944  
the effective date of this amendment, determine whether basic 32945  
life-support training certified by the American safety and health 32946  
institute meets national standards. The board shall compare the 32947  
training certified by the institute with the training certified by 32948  
the American red cross and the American heart association and the 32949  
training of instructors certified by the institute to the training 32950  
of instructors certified by the American red cross and the 32951  
American heart association. 32952

If the board determines that the training certified by the 32953  
American safety and health institute meets national standards and 32954  
is equivalent to the training certified by the American red cross 32955  
and the American heart association, the board shall accept 32956  
training certified by the American safety and health institute in 32957  
fulfillment of the requirements of this section. 32958

**Sec. 4717.07.** (A) The board of embalmers and funeral 32959  
directors shall charge and collect the following fees: 32960

(1) For the initial issuance or biennial renewal of an 32961  
embalmer's or funeral director's license, one hundred forty 32962  
dollars; 32963

(2) For the issuance of an embalmer or funeral director 32964  
registration, twenty-five dollars; 32965

(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;	32966 32967
(4) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;	32968 32969 32970
(5) For the initial issuance of a license to operate a funeral home, two hundred fifty dollars and biennial renewal of a license to operate a funeral home, two hundred fifty dollars;	32971 32972 32973
(6) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A) <del>(5)</del> <u>(1)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	32974 32975 32976 32977
(7) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A) <del>(6)</del> <u>(5)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	32978 32979 32980 32981
(8) For the initial issuance of a license to operate an embalming facility, two hundred dollars and biennial renewal of a license to operate an embalming facility, two hundred dollars;	32982 32983 32984
(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A) <del>(9)</del> <u>(8)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	32985 32986 32987 32988
(10) For the initial issuance of a license to operate a crematory facility, two hundred dollars and biennial renewal of a license to operate a crematory facility, two hundred dollars;	32989 32990 32991
(11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A) <del>(11)</del> <u>(10)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	32992 32993 32994 32995

(12) For the issuance of a duplicate of a license issued under this chapter, four dollars.	32996 32997
(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter.	32998 32999 33000 33001
(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent.	33002 33003 33004 33005 33006
<b>Sec. 4723.621.</b> The medication aide advisory council created under section 4723.62 of the Revised Code shall make recommendations to the board of nursing with respect to all of the following:	33007 33008 33009 33010
(A) The design and operation of the medication aide pilot program conducted under section 4723.63 of the Revised Code, including a method of collecting data through reports submitted by participating nursing homes and residential care facilities;	33011 33012 33013 33014
(B) The content of the course of instruction required to obtain certification as a medication aide, including the examination to be used to evaluate the ability to administer prescription medications safely and the score that must be attained to pass the examination;	33015 33016 33017 33018 33019
(C) Whether medication aides may administer prescription medications through a gastrostomy or jejunostomy tube and the amount and type of training a medication aide needs to be adequately prepared to administer prescription medications through a gastrostomy or jejunostomy tube;	33020 33021 33022 33023 33024
(D) Protection of the health and welfare of the residents of	33025

nursing homes and residential care facilities participating in the 33026  
pilot program and using medication aides pursuant to section 33027  
4723.64 of the Revised Code ~~on or after July 1, 2007;~~ 33028

(E) The board's adoption of rules under section 4723.69 of 33029  
the Revised Code; 33030

(F) Any other issue the council considers relevant to the use 33031  
of medication aides in nursing homes and residential care 33032  
facilities. 33033

**Sec. 4723.63.** (A) In consultation with the medication aide 33034  
advisory council established under section 4723.62 of the Revised 33035  
Code, the board of nursing shall conduct a pilot program for the 33036  
use of medication aides in nursing homes and residential care 33037  
facilities. The board shall conduct the pilot program in a manner 33038  
consistent with human protection and other ethical concerns 33039  
typically associated with research studies involving live 33040  
subjects. The pilot program shall be commenced not later than May 33041  
1, 2006, and shall ~~be conducted until July 1, 2007~~ end on the 33042  
thirty-first day after the report required by division (F)(2) of 33043  
this section is submitted in accordance with that division. 33044

During the period the pilot program is conducted, a nursing 33045  
home or residential care facility participating in the pilot 33046  
program may use one or more medication aides to administer 33047  
prescription medications to its residents, subject to ~~both~~ all of 33048  
the following conditions: 33049

(1) Each individual used as a medication aide must hold a 33050  
current, valid medication aide certificate issued by the board of 33051  
nursing under this chapter. 33052

(2) The nursing home or residential care facility shall 33053  
ensure that the requirements of section 4723.67 of the Revised 33054  
Code are met. 33055

(3) The nursing home or residential care facility shall 33056  
submit to the board, not later than the thirty-first day after the 33057  
day the board makes its request under division (F)(1)(a) of this 33058  
section, the data required by division (F)(1)(a) of this section. 33059

(B) The board, in consultation with the medication aide 33060  
advisory council, shall do all of the following not later than 33061  
February 1, 2006: 33062

(1) Design the pilot program; 33063

(2) Establish standards to govern medication aides and the 33064  
nursing homes and residential care facilities participating in the 33065  
pilot program, including standards for the training of medication 33066  
aides and the staff of participating nursing homes and residential 33067  
care facilities; 33068

(3) Establish standards to protect the health and safety of 33069  
the residents of the nursing homes and residential care facilities 33070  
participating in the program; 33071

(4) Implement a process for selecting the nursing homes and 33072  
residential care facilities to participate in the program. 33073

(C)(1) A nursing home or residential care facility may 33074  
volunteer to participate in the pilot program by submitting an 33075  
application to the board on a form prescribed and provided by the 33076  
board. From among the applicants, the board shall select eighty 33077  
nursing homes and forty residential care facilities to participate 33078  
in the pilot program. When the board denies an application, it 33079  
shall notify, in writing, the president and minority leader of the 33080  
senate and the speaker and minority leader of the house of 33081  
representatives of the denial and the reasons for the denial. 33082

(2) To be eligible to participate, a nursing home or 33083  
residential care facility shall agree to observe the standards 33084  
established by the board for the use of medication aides. A 33085  
nursing home is eligible to participate only if the department of 33086

health has found in the ~~two~~ most recent ~~surveys~~ survey or 33087  
~~inspections~~ inspection of the home that the home is free from 33088  
deficiencies related to the administration of medication. A 33089  
residential care facility is eligible to participate only if the 33090  
department has found that the facility is free from deficiencies 33091  
related to the provision of skilled nursing care or the 33092  
administration of medication. 33093

(D) As a condition of participation in the pilot program, a 33094  
nursing home and residential care facility selected by the board 33095  
shall pay the participation fee established in rules adopted under 33096  
section 4723.69 of the Revised Code. The participation fee is not 33097  
reimbursable under the medicaid program established under Chapter 33098  
5111. of the Revised Code. 33099

(E) On receipt of evidence found credible by the board that 33100  
continued participation by a nursing home or residential care 33101  
facility poses an imminent danger, risk of serious harm, or 33102  
jeopardy to a resident of the home or facility, the board may 33103  
terminate the authority of the home or facility to participate in 33104  
the pilot program. 33105

(F)(1) With the assistance of the medication aide advisory 33106  
council, the board shall conduct an evaluation of the pilot 33107  
program. In conducting the evaluation, the board shall do all of 33108  
the following: 33109

(a) Request from each nursing home and residential care 33110  
facility participating in the pilot program, on the ninety-first 33111  
day after the day the board issues a medication aide certificate 33112  
under section 4723.651 of the Revised Code to the seventy-fifth 33113  
individual, the data the board requires participating nursing 33114  
homes and residential care facilities to report under rules the 33115  
board adopts under section 4723.69 of the Revised Code. 33116

(b) Assess whether medication aides are able to administer 33117

prescription medications safely to nursing home and residential 33118  
care facility residents; 33119

~~(b)~~(c) Determine the financial implications of using 33120  
medication aides in nursing homes and residential care facilities; 33121

~~(e)~~(d) Consider any other issue the board or council 33122  
considers relevant to the evaluation. 33123

(2) Not later than ~~March 1, 2007~~ the one hundred eighty-first 33124  
day after the day the board issues a medication aide certificate 33125  
under section 4723.651 of the Revised Code to the seventy-fifth 33126  
individual, the board shall prepare a report of its findings and 33127  
recommendations derived from the evaluation of the pilot program. 33128  
The board shall submit the report to the governor, president and 33129  
minority leader of the senate, speaker and minority leader of the 33130  
house of representatives, and director of health. 33131

(G) The board shall, on the day it issues a medication aide 33132  
certificate to the seventy-fifth individual, post a notice on its 33133  
web site indicating the date on which any nursing home or 33134  
residential care facility may use medication aides in accordance 33135  
with section 4723.64 of the Revised Code. 33136

**Sec. 4723.64.** On and after ~~July 1, 2007~~ the thirty-first day 33137  
following the board of nursing's submission of the report required 33138  
by division (F)(2) of section 4723.63 of the Revised Code, any 33139  
nursing home or residential care facility may use one or more 33140  
medication aides to administer prescription medications to its 33141  
residents, subject to both of the following conditions: 33142

(A) Each individual used as a medication aide must hold a 33143  
current, valid medication aide certificate issued by the board of 33144  
nursing under this chapter. 33145

(B) The nursing home or residential care facility shall 33146  
ensure that the requirements of section 4723.67 of the Revised 33147

Code are met. 33148

**Sec. 4723.65.** (A) An individual seeking certification as a 33149  
medication aide shall apply to the board of nursing on a form 33150  
prescribed and provided by the board. If the application is 33151  
submitted on or after ~~July 1, 2007~~ the day any nursing home or 33152  
residential care facility may initially use medication aides as 33153  
specified in section 4723.64 of the Revised Code, the application 33154  
shall be accompanied by the certification fee established in rules 33155  
adopted under section 4723.69 of the Revised Code. 33156

(B)(1) Except as provided in division (B)(2) of this section, 33157  
an applicant for a medication aide certificate shall submit a 33158  
request to the bureau of criminal identification and investigation 33159  
for a criminal records check. The request shall be on the form 33160  
prescribed pursuant to division (C)(1) of section 109.572 of the 33161  
Revised Code and shall be accompanied by a standard impression 33162  
sheet to obtain fingerprints prescribed pursuant to division 33163  
(C)(2) of that section. The request shall also be accompanied by 33164  
the fee prescribed pursuant to division (C)(3) of section 109.572 33165  
of the Revised Code. On receipt of the completed form, the 33166  
completed impression sheet, and the fee, the bureau shall conduct 33167  
a criminal records check of the applicant. On completion of the 33168  
criminal records check, the bureau shall send the results of the 33169  
check to the board. An applicant requesting a criminal records 33170  
check under this division who has not lived in this state for at 33171  
least five years shall ask the superintendent of the bureau of 33172  
criminal identification and investigation to also request that the 33173  
federal bureau of investigation provide the superintendent with 33174  
any information it has with respect to the applicant. 33175

(2) If a criminal records check of an applicant was completed 33176  
pursuant to section 3721.121 of the Revised Code not more than 33177  
five years prior to the date the application is submitted, the 33178

applicant may include a certified copy of the criminal records 33179  
check completed pursuant to that section and is not required to 33180  
comply with division (B)(1) of this section. 33181

(3) A criminal records check provided to the board in 33182  
accordance with division (B)(1) or (B)(2) of this section shall 33183  
not be made available to any person or for any purpose other than 33184  
the following: 33185

(a) The results may be made available to any person for use 33186  
in determining whether the individual who is the subject of the 33187  
check should be issued a medication aide certificate. 33188

(b) The results may be made available to the person who is 33189  
the subject of the check or a representative of that person. 33190

**Sec. 4723.66.** (A) A person or government entity seeking 33191  
approval to provide a medication aide training program shall apply 33192  
to the board of nursing on a form prescribed and provided by the 33193  
board. If the application is submitted on or after ~~July 1, 2007~~ 33194  
the day any nursing home or residential care facility may 33195  
initially use medication aides as specified in section 4723.64 of 33196  
the Revised Code, the application shall be accompanied by the fee 33197  
established in rules adopted under section 4723.69 of the Revised 33198  
Code. 33199

(B) The board shall approve the applicant to provide a 33200  
medication aide training program if the content of the course of 33201  
instruction to be provided by the program meets the standards 33202  
specified by the board in rules adopted under section 4723.69 of 33203  
the Revised Code and includes all of the following: 33204

(1) At least seventy clock-hours of instruction, including 33205  
both classroom instruction on medication administration and at 33206  
least twenty clock-hours of supervised clinical practice in 33207  
medication administration; 33208

(2) A mechanism for evaluating whether an individual's reading, writing, and mathematical skills are sufficient for the individual to be able to administer prescription medications safely;

(3) An examination that tests the ability to administer prescription medications safely and that meets the requirements established by the board in rules adopted under section 4723.69 of the Revised Code.

(C) The board may deny, suspend, or revoke the approval granted to the provider of a medication aide training program for reasons specified in rules adopted under section 4723.69 of the Revised Code. All actions taken by the board to deny, suspend, or revoke the approval of a training program shall be taken in accordance with Chapter 119. of the Revised Code.

**Sec. 4731.142.** (A) Except as provided in division (B) of this section, an individual must demonstrate proficiency in spoken English, by passing an examination specified by the state medical board, to receive a certificate to practice issued under section 4731.14 of the Revised Code if the individual's eligibility for the certificate is based in part on certification from the educational commission for foreign medical graduates and fulfillment of the undergraduate requirements established by section 4731.09 of the Revised Code at an institution outside the United States. ~~The individual may demonstrate such proficiency by obtaining a score of forty or higher on the test of spoken English conducted by the educational testing service~~ The board shall adopt rules specifying an acceptable examination and establishing the minimum score that demonstrates proficiency in spoken English.

(B) An individual is not required to demonstrate proficiency in spoken English in accordance with division (A) of this section if the individual was required to demonstrate such proficiency as

a condition of certification from the educational commission for 33240  
foreign medical graduates. 33241

**Sec. 4731.22.** (A) The state medical board, by an affirmative 33242  
vote of not fewer than six of its members, may revoke or may 33243  
refuse to grant a certificate to a person found by the board to 33244  
have committed fraud during the administration of the examination 33245  
for a certificate to practice or to have committed fraud, 33246  
misrepresentation, or deception in applying for or securing any 33247  
certificate to practice or certificate of registration issued by 33248  
the board. 33249

(B) The board, by an affirmative vote of not fewer than six 33250  
members, shall, to the extent permitted by law, limit, revoke, or 33251  
suspend an individual's certificate to practice, refuse to 33252  
register an individual, refuse to reinstate a certificate, or 33253  
reprimand or place on probation the holder of a certificate for 33254  
one or more of the following reasons: 33255

(1) Permitting one's name or one's certificate to practice or 33256  
certificate of registration to be used by a person, group, or 33257  
corporation when the individual concerned is not actually 33258  
directing the treatment given; 33259

(2) Failure to maintain minimal standards applicable to the 33260  
selection or administration of drugs, or failure to employ 33261  
acceptable scientific methods in the selection of drugs or other 33262  
modalities for treatment of disease; 33263

(3) Selling, giving away, personally furnishing, prescribing, 33264  
or administering drugs for other than legal and legitimate 33265  
therapeutic purposes or a plea of guilty to, a judicial finding of 33266  
guilt of, or a judicial finding of eligibility for intervention in 33267  
lieu of conviction of, a violation of any federal or state law 33268  
regulating the possession, distribution, or use of any drug; 33269

(4) Willfully betraying a professional confidence. 33270

For purposes of this division, "willfully betraying a 33271  
professional confidence" does not include providing any 33272  
information, documents, or reports to a child fatality review 33273  
board under sections 307.621 to 307.629 of the Revised Code and 33274  
does not include the making of a report of an employee's use of a 33275  
drug of abuse, or a report of a condition of an employee other 33276  
than one involving the use of a drug of abuse, to the employer of 33277  
the employee as described in division (B) of section 2305.33 of 33278  
the Revised Code. Nothing in this division affects the immunity 33279  
from civil liability conferred by that section upon a physician 33280  
who makes either type of report in accordance with division (B) of 33281  
that section. As used in this division, "employee," "employer," 33282  
and "physician" have the same meanings as in section 2305.33 of 33283  
the Revised Code. 33284

(5) Making a false, fraudulent, deceptive, or misleading 33285  
statement in the solicitation of or advertising for patients; in 33286  
relation to the practice of medicine and surgery, osteopathic 33287  
medicine and surgery, podiatric medicine and surgery, or a limited 33288  
branch of medicine; or in securing or attempting to secure any 33289  
certificate to practice or certificate of registration issued by 33290  
the board. 33291

As used in this division, "false, fraudulent, deceptive, or 33292  
misleading statement" means a statement that includes a 33293  
misrepresentation of fact, is likely to mislead or deceive because 33294  
of a failure to disclose material facts, is intended or is likely 33295  
to create false or unjustified expectations of favorable results, 33296  
or includes representations or implications that in reasonable 33297  
probability will cause an ordinarily prudent person to 33298  
misunderstand or be deceived. 33299

(6) A departure from, or the failure to conform to, minimal 33300  
standards of care of similar practitioners under the same or 33301

similar circumstances, whether or not actual injury to a patient	33302
is established;	33303
(7) Representing, with the purpose of obtaining compensation	33304
or other advantage as personal gain or for any other person, that	33305
an incurable disease or injury, or other incurable condition, can	33306
be permanently cured;	33307
(8) The obtaining of, or attempting to obtain, money or	33308
anything of value by fraudulent misrepresentations in the course	33309
of practice;	33310
(9) A plea of guilty to, a judicial finding of guilt of, or a	33311
judicial finding of eligibility for intervention in lieu of	33312
conviction for, a felony;	33313
(10) Commission of an act that constitutes a felony in this	33314
state, regardless of the jurisdiction in which the act was	33315
committed;	33316
(11) A plea of guilty to, a judicial finding of guilt of, or	33317
a judicial finding of eligibility for intervention in lieu of	33318
conviction for, a misdemeanor committed in the course of practice;	33319
(12) Commission of an act in the course of practice that	33320
constitutes a misdemeanor in this state, regardless of the	33321
jurisdiction in which the act was committed;	33322
(13) A plea of guilty to, a judicial finding of guilt of, or	33323
a judicial finding of eligibility for intervention in lieu of	33324
conviction for, a misdemeanor involving moral turpitude;	33325
(14) Commission of an act involving moral turpitude that	33326
constitutes a misdemeanor in this state, regardless of the	33327
jurisdiction in which the act was committed;	33328
(15) Violation of the conditions of limitation placed by the	33329
board upon a certificate to practice;	33330
(16) Failure to pay license renewal fees specified in this	33331

chapter; 33332

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;

(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.

For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(19) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or

perceptive skills. 33364

In enforcing this division, the board, upon a showing of a 33365  
possible violation, may compel any individual authorized to 33366  
practice by this chapter or who has submitted an application 33367  
pursuant to this chapter to submit to a mental examination, 33368  
physical examination, including an HIV test, or both a mental and 33369  
a physical examination. The expense of the examination is the 33370  
responsibility of the individual compelled to be examined. Failure 33371  
to submit to a mental or physical examination or consent to an HIV 33372  
test ordered by the board constitutes an admission of the 33373  
allegations against the individual unless the failure is due to 33374  
circumstances beyond the individual's control, and a default and 33375  
final order may be entered without the taking of testimony or 33376  
presentation of evidence. If the board finds an individual unable 33377  
to practice because of the reasons set forth in this division, the 33378  
board shall require the individual to submit to care, counseling, 33379  
or treatment by physicians approved or designated by the board, as 33380  
a condition for initial, continued, reinstated, or renewed 33381  
authority to practice. An individual affected under this division 33382  
shall be afforded an opportunity to demonstrate to the board the 33383  
ability to resume practice in compliance with acceptable and 33384  
prevailing standards under the provisions of the individual's 33385  
certificate. For the purpose of this division, any individual who 33386  
applies for or receives a certificate to practice under this 33387  
chapter accepts the privilege of practicing in this state and, by 33388  
so doing, shall be deemed to have given consent to submit to a 33389  
mental or physical examination when directed to do so in writing 33390  
by the board, and to have waived all objections to the 33391  
admissibility of testimony or examination reports that constitute 33392  
a privileged communication. 33393

(20) Except when civil penalties are imposed under section 33394  
4731.225 or 4731.281 of the Revised Code, and subject to section 33395

4731.226 of the Revised Code, violating or attempting to violate, 33396  
directly or indirectly, or assisting in or abetting the violation 33397  
of, or conspiring to violate, any provisions of this chapter or 33398  
any rule promulgated by the board. 33399

This division does not apply to a violation or attempted 33400  
violation of, assisting in or abetting the violation of, or a 33401  
conspiracy to violate, any provision of this chapter or any rule 33402  
adopted by the board that would preclude the making of a report by 33403  
a physician of an employee's use of a drug of abuse, or of a 33404  
condition of an employee other than one involving the use of a 33405  
drug of abuse, to the employer of the employee as described in 33406  
division (B) of section 2305.33 of the Revised Code. Nothing in 33407  
this division affects the immunity from civil liability conferred 33408  
by that section upon a physician who makes either type of report 33409  
in accordance with division (B) of that section. As used in this 33410  
division, "employee," "employer," and "physician" have the same 33411  
meanings as in section 2305.33 of the Revised Code. 33412

(21) The violation of section 3701.79 of the Revised Code or 33413  
of any abortion rule adopted by the public health council pursuant 33414  
to section 3701.341 of the Revised Code; 33415

(22) Any of the following actions taken by the agency 33416  
responsible for regulating the practice of medicine and surgery, 33417  
osteopathic medicine and surgery, podiatric medicine and surgery, 33418  
or the limited branches of medicine in another jurisdiction, for 33419  
any reason other than the nonpayment of fees: the limitation, 33420  
revocation, or suspension of an individual's license to practice; 33421  
acceptance of an individual's license surrender; denial of a 33422  
license; refusal to renew or reinstate a license; imposition of 33423  
probation; or issuance of an order of censure or other reprimand; 33424

(23) The violation of section 2919.12 of the Revised Code or 33425  
the performance or inducement of an abortion upon a pregnant woman 33426  
with actual knowledge that the conditions specified in division 33427

(B) of section 2317.56 of the Revised Code have not been satisfied 33428  
or with a heedless indifference as to whether those conditions 33429  
have been satisfied, unless an affirmative defense as specified in 33430  
division (H)(2) of that section would apply in a civil action 33431  
authorized by division (H)(1) of that section; 33432

(24) The revocation, suspension, restriction, reduction, or 33433  
termination of clinical privileges by the United States department 33434  
of defense or department of veterans affairs or the termination or 33435  
suspension of a certificate of registration to prescribe drugs by 33436  
the drug enforcement administration of the United States 33437  
department of justice; 33438

(25) Termination or suspension from participation in the 33439  
medicare or medicaid programs by the department of health and 33440  
human services or other responsible agency for any act or acts 33441  
that also would constitute a violation of division (B)(2), (3), 33442  
(6), (8), or (19) of this section; 33443

(26) Impairment of ability to practice according to 33444  
acceptable and prevailing standards of care because of habitual or 33445  
excessive use or abuse of drugs, alcohol, or other substances that 33446  
impair ability to practice. 33447

For the purposes of this division, any individual authorized 33448  
to practice by this chapter accepts the privilege of practicing in 33449  
this state subject to supervision by the board. By filing an 33450  
application for or holding a certificate to practice under this 33451  
chapter, an individual shall be deemed to have given consent to 33452  
submit to a mental or physical examination when ordered to do so 33453  
by the board in writing, and to have waived all objections to the 33454  
admissibility of testimony or examination reports that constitute 33455  
privileged communications. 33456

If it has reason to believe that any individual authorized to 33457  
practice by this chapter or any applicant for certification to 33458

practice suffers such impairment, the board may compel the 33459  
individual to submit to a mental or physical examination, or both. 33460  
The expense of the examination is the responsibility of the 33461  
individual compelled to be examined. Any mental or physical 33462  
examination required under this division shall be undertaken by a 33463  
treatment provider or physician who is qualified to conduct the 33464  
examination and who is chosen by the board. 33465

Failure to submit to a mental or physical examination ordered 33466  
by the board constitutes an admission of the allegations against 33467  
the individual unless the failure is due to circumstances beyond 33468  
the individual's control, and a default and final order may be 33469  
entered without the taking of testimony or presentation of 33470  
evidence. If the board determines that the individual's ability to 33471  
practice is impaired, the board shall suspend the individual's 33472  
certificate or deny the individual's application and shall require 33473  
the individual, as a condition for initial, continued, reinstated, 33474  
or renewed certification to practice, to submit to treatment. 33475

Before being eligible to apply for reinstatement of a 33476  
certificate suspended under this division, the impaired 33477  
practitioner shall demonstrate to the board the ability to resume 33478  
practice in compliance with acceptable and prevailing standards of 33479  
care under the provisions of the practitioner's certificate. The 33480  
demonstration shall include, but shall not be limited to, the 33481  
following: 33482

(a) Certification from a treatment provider approved under 33483  
section 4731.25 of the Revised Code that the individual has 33484  
successfully completed any required inpatient treatment; 33485

(b) Evidence of continuing full compliance with an aftercare 33486  
contract or consent agreement; 33487

(c) Two written reports indicating that the individual's 33488  
ability to practice has been assessed and that the individual has 33489

been found capable of practicing according to acceptable and 33490  
prevailing standards of care. The reports shall be made by 33491  
individuals or providers approved by the board for making the 33492  
assessments and shall describe the basis for their determination. 33493

The board may reinstate a certificate suspended under this 33494  
division after that demonstration and after the individual has 33495  
entered into a written consent agreement. 33496

When the impaired practitioner resumes practice, the board 33497  
shall require continued monitoring of the individual. The 33498  
monitoring shall include, but not be limited to, compliance with 33499  
the written consent agreement entered into before reinstatement or 33500  
with conditions imposed by board order after a hearing, and, upon 33501  
termination of the consent agreement, submission to the board for 33502  
at least two years of annual written progress reports made under 33503  
penalty of perjury stating whether the individual has maintained 33504  
sobriety. 33505

(27) A second or subsequent violation of section 4731.66 or 33506  
4731.69 of the Revised Code; 33507

(28) Except as provided in division (N) of this section: 33508

(a) Waiving the payment of all or any part of a deductible or 33509  
copayment that a patient, pursuant to a health insurance or health 33510  
care policy, contract, or plan that covers the individual's 33511  
services, otherwise would be required to pay if the waiver is used 33512  
as an enticement to a patient or group of patients to receive 33513  
health care services from that individual; 33514

(b) Advertising that the individual will waive the payment of 33515  
all or any part of a deductible or copayment that a patient, 33516  
pursuant to a health insurance or health care policy, contract, or 33517  
plan that covers the individual's services, otherwise would be 33518  
required to pay. 33519

(29) Failure to use universal blood and body fluid 33520

precautions established by rules adopted under section 4731.051 of 33521  
the Revised Code; 33522

(30) Failure to provide notice to, and receive acknowledgment 33523  
of the notice from, a patient when required by section 4731.143 of 33524  
the Revised Code prior to providing nonemergency professional 33525  
services, or failure to maintain that notice in the patient's 33526  
file; 33527

(31) Failure of a physician supervising a physician assistant 33528  
to maintain supervision in accordance with the requirements of 33529  
Chapter 4730. of the Revised Code and the rules adopted under that 33530  
chapter; 33531

(32) Failure of a physician or podiatrist to enter into a 33532  
standard care arrangement with a clinical nurse specialist, 33533  
certified nurse-midwife, or certified nurse practitioner with whom 33534  
the physician or podiatrist is in collaboration pursuant to 33535  
section 4731.27 of the Revised Code or failure to fulfill the 33536  
responsibilities of collaboration after entering into a standard 33537  
care arrangement; 33538

(33) Failure to comply with the terms of a consult agreement 33539  
entered into with a pharmacist pursuant to section 4729.39 of the 33540  
Revised Code; 33541

(34) Failure to cooperate in an investigation conducted by 33542  
the board under division (F) of this section, including failure to 33543  
comply with a subpoena or order issued by the board or failure to 33544  
answer truthfully a question presented by the board at a 33545  
deposition or in written interrogatories, except that failure to 33546  
cooperate with an investigation shall not constitute grounds for 33547  
discipline under this section if a court of competent jurisdiction 33548  
has issued an order that either quashes a subpoena or permits the 33549  
individual to withhold the testimony or evidence in issue; 33550

(35) Failure to supervise an acupuncturist in accordance with 33551

Chapter 4762. of the Revised Code and the board's rules for supervision of an acupuncturist; 33552  
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(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant; 33554  
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(37) Assisting suicide as defined in section 3795.01 of the Revised Code. 33557  
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(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect. 33559  
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If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the disciplinary action shall consist of a suspension of the individual's certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's certificate to practice. Any consent agreement entered into under this division with an individual that pertains to a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of that section shall provide for a suspension of the individual's certificate to practice for a period of at least one year or, if determined appropriate by the 33571  
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board, a more serious sanction involving the individual's 33584  
certificate to practice. 33585

(D) For purposes of divisions (B)(10), (12), and (14) of this 33586  
section, the commission of the act may be established by a finding 33587  
by the board, pursuant to an adjudication under Chapter 119. of 33588  
the Revised Code, that the individual committed the act. The board 33589  
does not have jurisdiction under those divisions if the trial 33590  
court renders a final judgment in the individual's favor and that 33591  
judgment is based upon an adjudication on the merits. The board 33592  
has jurisdiction under those divisions if the trial court issues 33593  
an order of dismissal upon technical or procedural grounds. 33594

(E) The sealing of conviction records by any court shall have 33595  
no effect upon a prior board order entered under this section or 33596  
upon the board's jurisdiction to take action under this section 33597  
if, based upon a plea of guilty, a judicial finding of guilt, or a 33598  
judicial finding of eligibility for intervention in lieu of 33599  
conviction, the board issued a notice of opportunity for a hearing 33600  
prior to the court's order to seal the records. The board shall 33601  
not be required to seal, destroy, redact, or otherwise modify its 33602  
records to reflect the court's sealing of conviction records. 33603

(F)(1) The board shall investigate evidence that appears to 33604  
show that a person has violated any provision of this chapter or 33605  
any rule adopted under it. Any person may report to the board in a 33606  
signed writing any information that the person may have that 33607  
appears to show a violation of any provision of this chapter or 33608  
any rule adopted under it. In the absence of bad faith, any person 33609  
who reports information of that nature or who testifies before the 33610  
board in any adjudication conducted under Chapter 119. of the 33611  
Revised Code shall not be liable in damages in a civil action as a 33612  
result of the report or testimony. Each complaint or allegation of 33613  
a violation received by the board shall be assigned a case number 33614  
and shall be recorded by the board. 33615

(2) Investigations of alleged violations of this chapter or 33616  
any rule adopted under it shall be supervised by the supervising 33617  
member elected by the board in accordance with section 4731.02 of 33618  
the Revised Code and by the secretary as provided in section 33619  
4731.39 of the Revised Code. The president may designate another 33620  
member of the board to supervise the investigation in place of the 33621  
supervising member. No member of the board who supervises the 33622  
investigation of a case shall participate in further adjudication 33623  
of the case. 33624

(3) In investigating a possible violation of this chapter or 33625  
any rule adopted under this chapter, the board may administer 33626  
oaths, order the taking of depositions, issue subpoenas, and 33627  
compel the attendance of witnesses and production of books, 33628  
accounts, papers, records, documents, and testimony, except that a 33629  
subpoena for patient record information shall not be issued 33630  
without consultation with the attorney general's office and 33631  
approval of the secretary and supervising member of the board. 33632  
Before issuance of a subpoena for patient record information, the 33633  
secretary and supervising member shall determine whether there is 33634  
probable cause to believe that the complaint filed alleges a 33635  
violation of this chapter or any rule adopted under it and that 33636  
the records sought are relevant to the alleged violation and 33637  
material to the investigation. The subpoena may apply only to 33638  
records that cover a reasonable period of time surrounding the 33639  
alleged violation. 33640

On failure to comply with any subpoena issued by the board 33641  
and after reasonable notice to the person being subpoenaed, the 33642  
board may move for an order compelling the production of persons 33643  
or records pursuant to the Rules of Civil Procedure. 33644

A subpoena issued by the board may be served by a sheriff, 33645  
the sheriff's deputy, or a board employee designated by the board. 33646  
Service of a subpoena issued by the board may be made by 33647

delivering a copy of the subpoena to the person named therein, 33648  
reading it to the person, or leaving it at the person's usual 33649  
place of residence. When the person being served is a person whose 33650  
practice is authorized by this chapter, service of the subpoena 33651  
may be made by certified mail, restricted delivery, return receipt 33652  
requested, and the subpoena shall be deemed served on the date 33653  
delivery is made or the date the person refuses to accept 33654  
delivery. 33655

A sheriff's deputy who serves a subpoena shall receive the 33656  
same fees as a sheriff. Each witness who appears before the board 33657  
in obedience to a subpoena shall receive the fees and mileage 33658  
provided for witnesses in civil cases in the courts of common 33659  
pleas. 33660

(4) All hearings and investigations of the board shall be 33661  
considered civil actions for the purposes of section 2305.252 of 33662  
the Revised Code. 33663

(5) Information received by the board pursuant to an 33664  
investigation is confidential and not subject to discovery in any 33665  
civil action. 33666

The board shall conduct all investigations and proceedings in 33667  
a manner that protects the confidentiality of patients and persons 33668  
who file complaints with the board. The board shall not make 33669  
public the names or any other identifying information about 33670  
patients or complainants unless proper consent is given or, in the 33671  
case of a patient, a waiver of the patient privilege exists under 33672  
division (B) of section 2317.02 of the Revised Code, except that 33673  
consent or a waiver of that nature is not required if the board 33674  
possesses reliable and substantial evidence that no bona fide 33675  
physician-patient relationship exists. 33676

The board may share any information it receives pursuant to 33677  
an investigation, including patient records and patient record 33678

information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of certificate to practice, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and

shall be prepared in a manner that protects the identity of each 33710  
person involved in each case. The report shall be a public record 33711  
under section 149.43 of the Revised Code. 33712

(G) If the secretary and supervising member determine that 33713  
there is clear and convincing evidence that an individual has 33714  
violated division (B) of this section and that the individual's 33715  
continued practice presents a danger of immediate and serious harm 33716  
to the public, they may recommend that the board suspend the 33717  
individual's certificate to practice without a prior hearing. 33718  
Written allegations shall be prepared for consideration by the 33719  
board. 33720

The board, upon review of those allegations and by an 33721  
affirmative vote of not fewer than six of its members, excluding 33722  
the secretary and supervising member, may suspend a certificate 33723  
without a prior hearing. A telephone conference call may be 33724  
utilized for reviewing the allegations and taking the vote on the 33725  
summary suspension. 33726

The board shall issue a written order of suspension by 33727  
certified mail or in person in accordance with section 119.07 of 33728  
the Revised Code. The order shall not be subject to suspension by 33729  
the court during pendency of any appeal filed under section 119.12 33730  
of the Revised Code. If the individual subject to the summary 33731  
suspension requests an adjudicatory hearing by the board, the date 33732  
set for the hearing shall be within fifteen days, but not earlier 33733  
than seven days, after the individual requests the hearing, unless 33734  
otherwise agreed to by both the board and the individual. 33735

Any summary suspension imposed under this division shall 33736  
remain in effect, unless reversed on appeal, until a final 33737  
adjudicative order issued by the board pursuant to this section 33738  
and Chapter 119. of the Revised Code becomes effective. The board 33739  
shall issue its final adjudicative order within ~~sixty~~ seventy-five 33740  
days after completion of its hearing. A failure to issue the order 33741

within ~~sixty~~ seventy-five days shall result in dissolution of the 33742  
summary suspension order but shall not invalidate any subsequent, 33743  
final adjudicative order. 33744

(H) If the board takes action under division (B)(9), (11), or 33745  
(13) of this section and the judicial finding of guilt, guilty 33746  
plea, or judicial finding of eligibility for intervention in lieu 33747  
of conviction is overturned on appeal, upon exhaustion of the 33748  
criminal appeal, a petition for reconsideration of the order may 33749  
be filed with the board along with appropriate court documents. 33750  
Upon receipt of a petition of that nature and supporting court 33751  
documents, the board shall reinstate the individual's certificate 33752  
to practice. The board may then hold an adjudication under Chapter 33753  
119. of the Revised Code to determine whether the individual 33754  
committed the act in question. Notice of an opportunity for a 33755  
hearing shall be given in accordance with Chapter 119. of the 33756  
Revised Code. If the board finds, pursuant to an adjudication held 33757  
under this division, that the individual committed the act or if 33758  
no hearing is requested, the board may order any of the sanctions 33759  
identified under division (B) of this section. 33760

(I) The certificate to practice issued to an individual under 33761  
this chapter and the individual's practice in this state are 33762  
automatically suspended as of the date of the individual's second 33763  
or subsequent plea of guilty to, or judicial finding of guilt of, 33764  
a violation of section 2919.123 of the Revised Code, or the date 33765  
the individual pleads guilty to, is found by a judge or jury to be 33766  
guilty of, or is subject to a judicial finding of eligibility for 33767  
intervention in lieu of conviction in this state or treatment or 33768  
intervention in lieu of conviction in another jurisdiction for any 33769  
of the following criminal offenses in this state or a 33770  
substantially equivalent criminal offense in another jurisdiction: 33771  
aggravated murder, murder, voluntary manslaughter, felonious 33772  
assault, kidnapping, rape, sexual battery, gross sexual 33773

imposition, aggravated arson, aggravated robbery, or aggravated 33774  
burglary. Continued practice after suspension shall be considered 33775  
practicing without a certificate. 33776

The board shall notify the individual subject to the 33777  
suspension by certified mail or in person in accordance with 33778  
section 119.07 of the Revised Code. If an individual whose 33779  
certificate is automatically suspended under this division fails 33780  
to make a timely request for an adjudication under Chapter 119. of 33781  
the Revised Code, the board shall do whichever of the following is 33782  
applicable: 33783

(1) If the automatic suspension under this division is for a 33784  
second or subsequent plea of guilty to, or judicial finding of 33785  
guilt of, a violation of section 2919.123 of the Revised Code, the 33786  
board shall enter an order suspending the individual's certificate 33787  
to practice for a period of at least one year or, if determined 33788  
appropriate by the board, imposing a more serious sanction 33789  
involving the individual's certificate to practice. 33790

(2) In all circumstances in which division (I)(1) of this 33791  
section does not apply, enter a final order permanently revoking 33792  
the individual's certificate to practice. 33793

(J) If the board is required by Chapter 119. of the Revised 33794  
Code to give notice of an opportunity for a hearing and if the 33795  
individual subject to the notice does not timely request a hearing 33796  
in accordance with section 119.07 of the Revised Code, the board 33797  
is not required to hold a hearing, but may adopt, by an 33798  
affirmative vote of not fewer than six of its members, a final 33799  
order that contains the board's findings. In that final order, the 33800  
board may order any of the sanctions identified under division (A) 33801  
or (B) of this section. 33802

(K) Any action taken by the board under division (B) of this 33803  
section resulting in a suspension from practice shall be 33804

accompanied by a written statement of the conditions under which 33805  
the individual's certificate to practice may be reinstated. The 33806  
board shall adopt rules governing conditions to be imposed for 33807  
reinstatement. Reinstatement of a certificate suspended pursuant 33808  
to division (B) of this section requires an affirmative vote of 33809  
not fewer than six members of the board. 33810

(L) When the board refuses to grant a certificate to an 33811  
applicant, revokes an individual's certificate to practice, 33812  
refuses to register an applicant, or refuses to reinstate an 33813  
individual's certificate to practice, the board may specify that 33814  
its action is permanent. An individual subject to a permanent 33815  
action taken by the board is forever thereafter ineligible to hold 33816  
a certificate to practice and the board shall not accept an 33817  
application for reinstatement of the certificate or for issuance 33818  
of a new certificate. 33819

(M) Notwithstanding any other provision of the Revised Code, 33820  
all of the following apply: 33821

(1) The surrender of a certificate issued under this chapter 33822  
shall not be effective unless or until accepted by the board. 33823  
Reinstatement of a certificate surrendered to the board requires 33824  
an affirmative vote of not fewer than six members of the board. 33825

(2) An application for a certificate made under the 33826  
provisions of this chapter may not be withdrawn without approval 33827  
of the board. 33828

(3) Failure by an individual to renew a certificate of 33829  
registration in accordance with this chapter shall not remove or 33830  
limit the board's jurisdiction to take any disciplinary action 33831  
under this section against the individual. 33832

(N) Sanctions shall not be imposed under division (B)(28) of 33833  
this section against any person who waives deductibles and 33834  
copayments as follows: 33835

(1) In compliance with the health benefit plan that expressly 33836  
allows such a practice. Waiver of the deductibles or copayments 33837  
shall be made only with the full knowledge and consent of the plan 33838  
purchaser, payer, and third-party administrator. Documentation of 33839  
the consent shall be made available to the board upon request. 33840

(2) For professional services rendered to any other person 33841  
authorized to practice pursuant to this chapter, to the extent 33842  
allowed by this chapter and rules adopted by the board. 33843

(O) Under the board's investigative duties described in this 33844  
section and subject to division (F) of this section, the board 33845  
shall develop and implement a quality intervention program 33846  
designed to improve through remedial education the clinical and 33847  
communication skills of individuals authorized under this chapter 33848  
to practice medicine and surgery, osteopathic medicine and 33849  
surgery, and podiatric medicine and surgery. In developing and 33850  
implementing the quality intervention program, the board may do 33851  
all of the following: 33852

(1) Offer in appropriate cases as determined by the board an 33853  
educational and assessment program pursuant to an investigation 33854  
the board conducts under this section; 33855

(2) Select providers of educational and assessment services, 33856  
including a quality intervention program panel of case reviewers; 33857

(3) Make referrals to educational and assessment service 33858  
providers and approve individual educational programs recommended 33859  
by those providers. The board shall monitor the progress of each 33860  
individual undertaking a recommended individual educational 33861  
program. 33862

(4) Determine what constitutes successful completion of an 33863  
individual educational program and require further monitoring of 33864  
the individual who completed the program or other action that the 33865  
board determines to be appropriate; 33866

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program. 33867  
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An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program. 33870  
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**Sec. 4736.01.** As used in this chapter: 33873

(A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control. 33874  
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(B) "Sanitarian" means a person who performs for compensation educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science. 33882  
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(C) "Registered sanitarian" means a person who is registered as a sanitarian in accordance with this chapter. 33886  
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(D) "Sanitarian-in-training" means a person who is registered as a sanitarian-in-training in accordance with this chapter. 33888  
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(E) "Practice of environmental health" means consultation, instruction, investigation, inspection, or evaluation by an employee of a city health district, a general health district, the environmental protection agency, the department of health, or the department of agriculture requiring specialized knowledge, training, and experience in the field of environmental health science, with the primary purpose of improving or conducting 33890  
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administration or enforcement under any of the following:	33897
(1) Chapter 911., 913., 917., 3717., <del>3718.</del> , 3721., 3729., or 3733. of the Revised Code;	33898 33899
(2) Chapter 3734. of the Revised Code as it pertains to solid waste;	33900 33901
(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 3707.38 to 3707.99, or section 3715.21 of the Revised Code;	33902 33903
(4) Rules adopted under section 3701.34 of the Revised Code pertaining to <u>home sewage</u> , rabies control, or swimming pools;	33904 33905
(5) Rules adopted under section 3701.935 of the Revised Code for school health and safety network inspections and rules adopted under section 3707.26 of the Revised Code for sanitary inspections.	33906 33907 33908 33909
"Practice of environmental health" does not include sampling, testing, controlling of vectors, reporting of observations, or other duties that do not require application of specialized knowledge and skills in environmental health science performed under the supervision of a registered sanitarian.	33910 33911 33912 33913 33914
The state board of sanitarian registration may further define environmental health science in relation to specific functions in the practice of environmental health through rules adopted by the board under Chapter 119. of the Revised Code.	33915 33916 33917 33918
<b>Sec. 4743.05.</b> Except as otherwise provided in sections 4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all money collected under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 4761., <u>4766.</u> , 4771., <u>4775.</u> , 4779., and 4781. of the Revised Code shall be paid into the state treasury to the credit of the occupational licensing and regulatory fund, which is hereby created for use in administering	33919 33920 33921 33922 33923 33924 33925 33926

such chapters. 33927

At the end of each quarter, the director of budget and 33928  
management shall transfer from the occupational licensing and 33929  
regulatory fund to the nurse education assistance fund created in 33930  
section 3333.28 of the Revised Code the amount certified to the 33931  
director under division (B) of section 4723.08 of the Revised 33932  
Code. 33933

At the end of each quarter, the director shall transfer from 33934  
the occupational licensing and regulatory fund to the certified 33935  
public accountant education assistance fund created in section 33936  
4701.26 of the Revised Code the amount certified to the director 33937  
under division (H)(2) of section 4701.10 of the Revised Code. 33938

**Sec. 4755.03.** ~~All~~ Except as provided in section 4755.99 of 33939  
the Revised Code, all fees and fines collected and assessed under 33940  
this chapter by the appropriate section of the Ohio occupational 33941  
therapy, physical therapy, and athletic trainers board, shall be 33942  
deposited into the state treasury to the credit of the 33943  
occupational licensing and regulatory fund. 33944

**Sec. 4766.05.** (A) The Ohio medical transportation board shall 33945  
establish by rule a license fee, a permit fee for each ambulance, 33946  
ambulette, rotorcraft air ambulance, fixed wing air ambulance, and 33947  
nontransport vehicle owned or leased by the licensee that is or 33948  
will be used as provided in section 4766.07 of the Revised Code, 33949  
and fees for renewals of licenses and permits, taking into 33950  
consideration the actual costs incurred by the board in carrying 33951  
out its duties under this chapter. However, the fee for each 33952  
license and each renewal of a license shall not exceed one hundred 33953  
dollars, and the fee for each permit and each renewal of a permit 33954  
shall not exceed one hundred dollars for each ambulance, 33955  
rotorcraft air ambulance, fixed wing air ambulance, and 33956

nontransport vehicle. The fee for each permit and each renewal of 33957  
a permit shall be twenty-five dollars for each ambulette for one 33958  
year after ~~the effective date of this amendment~~ March 9, 2004. 33959  
Thereafter, the board shall determine by rule the fee, which shall 33960  
not exceed fifty dollars, for each permit and each renewal of a 33961  
permit for each ambulette. For purposes of establishing fees, 33962  
"actual costs" includes the costs of salaries, expenses, 33963  
inspection equipment, supervision, and program administration. 33964

(B) The board shall deposit all fees and other moneys 33965  
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 33966  
the Revised Code in the state treasury to the credit of the ~~Ohio~~ 33967  
~~medical transportation trust~~ occupational licensing and regulatory 33968  
fund, which is ~~hereby~~ created by section 4743.05 of the Revised 33969  
Code. All moneys from the fund shall be used solely for the 33970  
salaries and expenses of the board incurred in implementing and 33971  
enforcing this chapter. 33972

(C) The board, subject to the approval of the controlling 33973  
board, may establish fees in excess of the maximum amounts allowed 33974  
under division (A) of this section, but such fees shall not exceed 33975  
those maximum amounts by more than fifty per cent. 33976

**Sec. 4766.22.** (A) Not later than forty-five days after the 33977  
end of each fiscal year, the Ohio medical transportation board 33978  
shall submit a report to the governor and general assembly that 33979  
provides all of the following information for that fiscal year: 33980

(1) The number of each of the following the board issued: 33981

(a) Basic life-support organization licenses; 33982

(b) Intermediate life-support organization licenses; 33983

(c) Advanced life-support organization licenses; 33984

(d) Mobile intensive care unit organization licenses; 33985

(e) Ambulette service licenses; 33986

<u>(f) Air medical service organization licenses;</u>	33987
<u>(g) Ambulance permits;</u>	33988
<u>(h) Nontransport vehicle permits;</u>	33989
<u>(i) Ambulette vehicle permits;</u>	33990
<u>(j) Rotorcraft air ambulance permits;</u>	33991
<u>(k) Fixed wing air ambulance permits.</u>	33992
<u>(2) The amount of fees the board collected for issuing and renewing each type of license and permit specified in division (A)(1) of this section;</u>	33993
	33994
	33995
<u>(3) The number of inspections the board or a third party on the board's behalf conducted in connection with each type of license and permit specified in division (A)(1) of this section and the amount of fees the board collected for the inspections;</u>	33996
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	33999
<u>(4) The number of complaints that were submitted to the board;</u>	34000
	34001
<u>(5) The number of investigations the board conducted under section 4766.11 of the Revised Code;</u>	34002
	34003
<u>(6) The number of adjudication hearings the board held and the outcomes of the adjudications;</u>	34004
	34005
<u>(7) The amount of penalties the board imposed and collected under section 4766.08 of the Revised Code;</u>	34006
	34007
<u>(8) Other information the board determines reflects the board's operations.</u>	34008
	34009
<u>(B) The board shall post the annual report required by this section on its web site and make it available to the public on request.</u>	34010
	34011
	34012
<b>Sec. 4775.08.</b> (A) The initial and annual renewal fee for a motor vehicle collision repair registration certificate and for a	34013
	34014

temporary motor vehicle collision repair registration certificate 34015  
is one hundred fifty dollars for each business location at which 34016  
the motor vehicle collision repair operator conducts business as 34017  
an operator, except that the board of motor vehicle collision 34018  
repair registration, with the approval of the controlling board, 34019  
may establish fees in excess of or less than that amount, provided 34020  
that such fees do not exceed or are not less than that amount by 34021  
more than fifty per cent. 34022

The board shall adjust the fees as necessary in order to 34023  
provide for the expenses associated with carrying out this chapter 34024  
~~without causing an excessive build up of surplus funds in the~~ 34025  
~~motor vehicle collision repair registration fund, which is hereby~~ 34026  
~~created in the state treasury.~~ 34027

(B) If the board has notified or attempted to notify a motor 34028  
vehicle collision repair operator that the operator is required to 34029  
be registered under this chapter, and the operator fails to 34030  
register, the initial fee for the registration of such an 34031  
unregistered operator for each business location at which the 34032  
operator conducts business as an operator, is the initial fee then 34033  
in effect plus an additional amount equal to the initial fee then 34034  
in effect for each calendar year that the operator is not 34035  
registered after the board has notified or attempted to notify the 34036  
operator. 34037

(C) The board shall deposit all fees and fines collected 34038  
under this chapter into the ~~motor vehicle collision repair~~ 34039  
~~registration fund. The board shall use the fund solely for the~~ 34040  
~~administration and enforcement of this chapter~~ occupational 34041  
licensing and regulatory fund created by section 4743.05 of the 34042  
Revised Code. 34043

**Sec. 4921.40.** In accordance with section 4921.04 of the 34044  
Revised Code, the public utilities commission may adopt rules: 34045

(A) Providing for binding estimates by motor transportation companies engaged, for hire, in the business of transporting household goods over a public highway in this state;	34046 34047 34048
(B) Providing for guaranteed-not-to-exceed estimates by such motor transportation companies;	34049 34050
(C) Requiring such motor transportation companies to include their certificate number in all advertising, written estimates, and contracts related to the transportation of household goods in this state;	34051 34052 34053 34054
(D) As are necessary and proper to carry out this chapter with respect to such motor transportation companies;	34055 34056
<u>(E) Providing for the enforcement of the consumer protection provisions of Title 49 of the United States Code related to the delivery and transportation of household goods in interstate commerce, as permitted by 49 U.S.C. 14710. Any fine or penalty imposed as a result of such enforcement shall be deposited into the state treasury to the credit of the general revenue fund.</u>	34057 34058 34059 34060 34061 34062
<u>Sec. 4923.26. There is hereby created in the state treasury the federal commercial vehicle transportation systems fund. The fund shall consist of money received from the United States department of transportation's commercial vehicle intelligent transportation systems infrastructure deployment program. The public utilities commission shall use the fund to deploy the Ohio commercial vehicle information systems networks project and to improve safety of motor carrier operations through electronic exchange of data by means of on-highway electronic systems.</u>	34063 34064 34065 34066 34067 34068 34069 34070 34071
<b>Sec. 5101.162.</b> Subject to available federal funds and appropriations made by the general assembly, the department of job and family services may, at its sole discretion, use available federal funds to reimburse county expenditures for county	34072 34073 34074 34075

administration of food stamps or medicaid even though the county 34076  
expenditures meet or exceed the maximum allowable reimbursement 34077  
amount established by rules adopted under section 5101.161 of the 34078  
Revised Code ~~if the board of county commissioners has entered into~~ 34079  
~~a fiscal agreement with the director of job and family services~~ 34080  
~~under section 5101.21 of the Revised Code.~~ The director may adopt 34081  
internal management rules in accordance with section 111.15 of the 34082  
Revised Code to implement this section. 34083

**Sec. 5101.21.** (A) As used in ~~this section,~~ "county signer 34084  
sections 5101.21 to 5101.212 of the Revised Code: 34085

(1) "County grantee" means all of the following: 34086

~~(1)(a)~~ A board of county commissioners; 34087

~~(2)(b)~~ A county children services board appointed under 34088  
section 5153.03 of the Revised Code ~~if required by division (B) of~~ 34089  
~~this section to enter into a fiscal agreement;~~ 34090

~~(3)(c)~~ A county elected official that is a child support 34091  
enforcement agency ~~if required by division (B) of this section to~~ 34092  
~~enter into a fiscal agreement.~~ 34093

(2) "County subgrant" means a grant that a county grantee 34094  
awards to another entity. 34095

(3) "County subgrant agreement" means an agreement between a 34096  
county grantee and another entity under which the county grantee 34097  
awards the other entity one or more county subgrants. 34098

(4) "Fiscal biennial period" means a two-year period 34099  
beginning on the first day of July of an odd-numbered year and 34100  
ending on the last day of June of the next odd-numbered year. 34101

(5) "Grant" means an award for one or more family services 34102  
duties of federal financial assistance that a federal agency 34103  
provides in the form of money, or property in lieu of money, to 34104  
the department of job and family services and that the department 34105

awards to a county grantee. "Grant" may include state funds the 34106  
department awards to a county grantee to match the federal 34107  
financial assistance. "Grant" does not mean either of the 34108  
following: 34109

(a) Technical assistance that provides services instead of 34110  
money; 34111

(b) Other assistance provided in the form of revenue sharing, 34112  
loans, loan guarantees, interest subsidies, or insurance. 34113

(6) "Grant agreement" means an agreement between the 34114  
department of job and family services and a county grantee under 34115  
which the department awards the county grantee one or more grants. 34116

(B) The Effective July 1, 2008, the director of job and 34117  
family services may award grants to counties only through grant 34118  
agreements entered into under this section. 34119

(C) The director shall enter into one or more written fiscal 34120  
grant agreements with boards of the county commissioners under 34121  
which financial assistance is awarded for family services duties 34122  
included in the agreements grantees of each county. Boards of 34123  
county commissioners shall select which family services duties to 34124  
include in a fiscal agreement. If a board of county commissioners 34125  
elects to include family services duties of a public children 34126  
services agency and a county children services board appointed 34127  
under section 5153.03 of the Revised Code serves as the county's 34128  
public children services agency, the board of county commissioners 34129  
and county children services board shall jointly enter into the 34130  
fiscal agreement with the director. If a board of county 34131  
commissioners elects to include family services duties of a child 34132  
support enforcement agency and the entity designated under former 34133  
section 2301.35 of the Revised Code prior to October 1, 1997, or 34134  
designated under section 307.981 of the Revised Code as the 34135  
county's child support enforcement agency is an elected official 34136

~~of the county, the board of county commissioners and county~~ 34137  
~~elected official~~ If a county has multiple county grantees, the 34138  
director shall jointly enter into the ~~fiscal~~ grant agreement with 34139  
~~the director~~ all of the county grantees. The initial grant 34140  
agreement shall be entered into not later than January 31, 2008, 34141  
and shall be in effect for fiscal year 2009. Except as provided in 34142  
rules adopted under this section, subsequent grant agreements 34143  
shall be entered into before the first day of each successive 34144  
fiscal biennial period and shall be in effect for that fiscal 34145  
biennial period or, in the case of a grant agreement entered into 34146  
after the first day of a fiscal biennial period and except as 34147  
provided by section 5101.211 of the Revised Code, for the 34148  
remainder of the fiscal biennial period. A fiscal grant agreement 34149  
shall do all of the following: 34150

(1) Comply with all of the conditions, requirements, and 34151  
restrictions applicable to the family services duties for which 34152  
the grants included in the agreement are awarded, including the 34153  
conditions, requirements, and restrictions established by the 34154  
department, federal or state law, state plans for receipt of 34155  
federal financial participation, agreements between the department 34156  
and a federal agency, and executive orders issued by the governor; 34157

(2) Establish terms and conditions governing the 34158  
accountability for and use of the grants included in the grant 34159  
agreement; 34160

(3) Specify ~~the~~ both of the following: 34161

(a) The family services duties ~~included in the agreement and~~ 34162  
~~the~~ for which the grants included in the agreement are awarded; 34163

(b) The private and government entities designated under 34164  
section 307.981 of the Revised Code to serve as the county family 34165  
services agencies performing the family services duties; 34166

~~(2)~~(4) Provide for the department of job and family services 34167

to award ~~financial assistance for the family services duties~~ 34168  
grants included in the agreement in accordance with a methodology 34169  
for determining the amount of the award established by rules 34170  
adopted under ~~division (D) of this section;~~ 34171

~~(3)(5)~~ Specify the form of the ~~award of financial assistance~~ 34172  
grants which may be ~~an allocation,~~ a cash draw, reimbursement, 34173  
property, advance, working capital advance, or, ~~to the extent~~ 34174  
~~authorized by an appropriation made by the general assembly and to~~ 34175  
~~the extent practicable and not in conflict with a federal or state~~ 34176  
~~law, a consolidated funding allocation for two or more family~~ 34177  
~~services duties included in the agreement~~ other forms specified in 34178  
rules adopted under this section; 34179

~~(4)(6)~~ Provide that the ~~award of financial assistance is~~ 34180  
grants are subject to the availability of federal funds and 34181  
appropriations made by the general assembly; 34182

~~(5)(7)~~ Specify annual financial, administrative, or other 34183  
incentive awards, if any, to be provided in accordance with 34184  
section 5101.23 of the Revised Code; 34185

~~(6)(8)~~ Include the assurance of each county ~~signer~~ grantee 34186  
that the county ~~signer~~ grantee will do all of the following: 34187

(a) Ensure that the ~~financial assistance awarded under~~ grants 34188  
included in the agreement ~~is~~ are used, and the family services 34189  
duties ~~included in for which the agreement~~ grants are awarded are 34190  
performed, in accordance with conditions, requirements for, and 34191  
restrictions applicable to the duties established by the 34192  
department, a federal or state law, ~~or any of the following that~~ 34193  
~~concern the family services duties included in the fiscal~~ 34194  
~~agreement and are published under section 5101.212 of the Revised~~ 34195  
~~Code;~~ state plans for receipt of federal financial participation, 34196  
~~grant~~ agreements between the department and a federal agency, and 34197  
executive orders issued by the governor; 34198

(b) ~~Ensure that the board and county family services agencies~~ 34199  
~~utilize~~ Utilize a financial management system and other 34200  
~~accountability mechanisms for the financial assistance grants~~ 34201  
~~awarded under the agreement that meet requirements the department~~ 34202  
~~establishes;~~ 34203

(c) ~~Require the county family services agencies to do both~~ Do 34204  
all of the following with regard to a county subgrant: 34205

(i) Award the subgrant through a written county subgrant 34206  
agreement that requires the entity awarded the county subgrant to 34207  
comply with all conditions, requirements, and restrictions 34208  
applicable to the county grantee regarding the grant that the 34209  
county grantee subgrants to the entity, including the conditions, 34210  
requirements, and restrictions of this section; 34211

(ii) ~~Monitor all private and government entities~~ the entity 34212  
~~that receive a payment from financial assistance is~~ is awarded under 34213  
~~the agreement~~ subgrant to ensure that each the entity uses the 34214  
~~payment~~ subgrant in accordance with conditions, requirements ~~for,~~ 34215  
and restrictions applicable to the family services duties ~~included~~ 34216  
~~in~~ for which the ~~agreement~~ subgrant is awarded; 34217

~~(ii)~~(iii) Take action to recover ~~payments~~ subgrants that are 34218  
not used in accordance with the conditions, requirements ~~for,~~ or 34219  
restrictions applicable to the family services duties ~~included in~~ 34220  
for which the ~~agreement~~ subgrant is awarded. 34221

(d) ~~Require county family services agencies to promptly~~ 34222  
Promptly reimburse the department the amount that represents the 34223  
amount ~~an agency~~ the county grantee is responsible for, pursuant 34224  
to action the department takes under division (C) of section 34225  
5101.24 of the Revised Code, of funds the department pays to any 34226  
entity because of an adverse audit finding, adverse quality 34227  
control finding, final disallowance of federal financial 34228  
participation, or other sanction or penalty; 34229

(e) ~~Require county family services agencies to take~~ Take 34230  
prompt corrective action, including paying amounts resulting from 34231  
an adverse finding, sanction, or penalty, if the department, 34232  
auditor of state, federal agency, or other entity authorized by 34233  
federal or state law to determine compliance with the conditions, 34234  
requirements ~~for,~~ and restrictions applicable to a family services 34235  
duty for which a grant included in the agreement is awarded 34236  
determines compliance has not been achieved; 34237

(f) Ensure that any matching funds, regardless of the source, 34238  
that the county grantee manages are clearly identified and used in 34239  
accordance with federal and state laws and the agreement. 34240

~~(7)~~(9) Provide for the department taking action pursuant to 34241  
division (C) of section 5101.24 of the Revised Code if authorized 34242  
by division (B)(1), (2), (3), or (4) of that section; 34243

~~(8)~~(10) Provide for timely audits required by federal and 34244  
state law and require prompt release of audit findings and prompt 34245  
action to correct problems identified in an audit; 34246

~~(9)~~ ~~Comply with all of the requirements for the family~~ 34247  
~~services duties that are included in the agreement and have been~~ 34248  
~~established by the department, federal or state law, or any of the~~ 34249  
~~following that concern the family services duties included in the~~ 34250  
~~fiscal agreement and are published under section 5101.212 of the~~ 34251  
~~Revised Code: state plans for receipt of federal financial~~ 34252  
~~participation, grant agreements between the department and a~~ 34253  
~~federal agency, and executive orders issued by the governor;~~ 34254

~~(10)~~(11) Provide for ~~dispute resolution~~ administrative review 34255  
procedures in accordance with section 5101.24 of the Revised Code; 34256

~~(11)~~(12) Establish the method of amending or terminating the 34257  
agreement and an expedited process for correcting terms or 34258  
conditions of the agreement that the director and each county 34259  
~~signer~~ grantee agree are erroneous; 34260

~~(12) Except as provided in rules adopted under division (D) of this section, begin on the first day of July of an odd numbered year and end on the last day of June of the next odd numbered year.~~ 34261  
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~~(C)(D) A grant agreement does not have to be amended for a county grantee to be required to comply with a new or amended condition, requirement, or restriction for a family services duty established by federal or state law, state plan for receipt of federal financial participation, agreement between the department and a federal agency, or executive order issued by the governor.~~ 34265  
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(E) The department shall make payments authorized by a fiscal grant agreement on vouchers it prepares and may include any funds appropriated or allocated to it for carrying out family services duties for which a grant included in the agreement is awarded, including funds for personal services and maintenance. 34271  
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~~(D)(F)(1) The director shall adopt rules in accordance with section 111.15 of the Revised Code governing fiscal grant 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 grants included in 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 a fiscal biennial period. The rules may do any or all of the following:~~ 34276  
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(a) Govern the award of grants included in grant agreements, including the establishment of allocations, and restrictions on, the form of the grants and the distribution of the grants; 34288  
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(b) Specify allowable uses of ~~financial assistance awarded~~ 34291

~~under the grants included in the agreements;~~ 34292

(c) Establish reporting, cash management, audit, and other 34293  
requirements the director determines are necessary to provide 34294  
accountability for the use of ~~financial assistance awarded under~~ 34295  
the grants included in the agreements and determine compliance 34296  
with conditions, requirements, and restrictions established by the 34297  
department, a federal or state law, ~~or any of the following that~~ 34298  
~~concern the family services duties included in the agreements and~~ 34299  
~~are published under section 5101.212 of the Revised Code;~~ state 34300  
plans for receipt of federal financial participation, ~~grant~~ 34301  
agreements between the department and a federal ~~entity~~ agency, and 34302  
executive orders issued by the governor. 34303

(2) A requirement of a ~~fiscal~~ grant agreement established by 34304  
a rule adopted under this division is applicable to a ~~fiscal~~ grant 34305  
agreement without having to be restated in the ~~fiscal~~ grant 34306  
agreement. A requirement established by a grant agreement is 34307  
applicable to the grant agreement without having to be restated in 34308  
a rule. 34309

**Sec. 5101.211.** ~~(A) Except as provided in division (B) of this~~ 34310  
~~section, the~~ The director of job and family services may provide 34311  
for a ~~fiscal~~ grant agreement entered into under section 5101.21 of 34312  
the Revised Code to have a retroactive effective date of the first 34313  
day of July of an odd-numbered year if both of the following are 34314  
the case: 34315

~~(1)~~(A) The agreement is entered into after that date and 34316  
before the last day of that July. 34317

~~(2)~~(B) The board of county commissioners requests the 34318  
retroactive effective date and provides the director good cause 34319  
satisfactory to the director for the reason the agreement was not 34320  
entered into on or before the first day of that July. 34321

~~(B) The director may provide for a fiscal agreement to have a retroactive effective date of July 1, 2003, if both of the following are the case:~~ 34322  
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~~(1) The agreement is entered into after July 1, 2003, and before August 29, 2003.~~ 34325  
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~~(2) The board of county commissioners requests the retroactive effective date.~~ 34327  
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**Sec. 5101.212.** The department of job and family services shall publish in a manner accessible to the public all of the following that concern family services duties for which grants included in ~~fiscal~~ grant agreements entered into under section 5101.21 of the Revised Code are awarded: state plans for receipt of federal financial participation, ~~grant~~ agreements between the department and a federal agency, and executive orders issued by the governor. The department may publish the materials electronically or otherwise. 34329  
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**Sec. 5101.213.** (A) ~~Except as provided in section 5101.211 of the Revised Code, if a fiscal agreement under section 5101.21 of the Revised Code between the director of job and family services and a board of county commissioners is not in effect Until July 1, 2008, all of the following apply:~~ 34338  
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(1) ~~The~~ For each board of county commissioners, the department of job and family services shall award to the county the board serves financial assistance for family services duties in accordance with a methodology for determining the amount of the award established by rules adopted under division (B) of this section. 34343  
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(2) The financial assistance may be provided in the form of allocations, cash draws, reimbursements, and property but may not be made in the form of a consolidated funding allocation. 34349  
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(3) The award of the financial assistance is subject to the 34352  
availability of federal funds and appropriations made by the 34353  
general assembly. 34354

(4) The county family services agencies performing the family 34355  
services duties for which the financial assistance is awarded 34356  
shall do all of the following: 34357

(a) Use the financial assistance, and perform the family 34358  
services duties, in accordance with requirements for the duties 34359  
established by the department, a federal or state law, or any of 34360  
the following that concern the duties: state plans for receipt of 34361  
federal financial participation, grant agreements between the 34362  
department and a federal agency, and executive orders issued by 34363  
the governor; 34364

(b) Utilize a financial management system and other 34365  
accountability mechanisms for the financial assistance that meet 34366  
requirements the department establishes; 34367

(c) Monitor all private and government entities that receive 34368  
a payment from the financial assistance to ensure that each entity 34369  
uses the payment in accordance with requirements for the family 34370  
services duties and take action to recover payments that are not 34371  
used in accordance with the requirements for the family services 34372  
duties; 34373

(d) Promptly reimburse the department the amount that 34374  
represents the amount an agency is responsible for, pursuant to 34375  
action the department takes under division (C) of section 5101.24 34376  
of the Revised Code, of funds the department pays to any entity 34377  
because of an adverse audit finding, adverse quality control 34378  
finding, final disallowance of federal financial participation, or 34379  
other sanction or penalty; 34380

(e) Take prompt corrective action, including paying amounts 34381  
resulting from an adverse finding, sanction, or penalty, if the 34382

department, auditor of state, federal agency, or other entity 34383  
authorized by federal or state law to determine compliance with 34384  
requirements for a family services duty determines compliance has 34385  
not been achieved. 34386

(B) The director shall adopt rules in accordance with section 34387  
111.15 of the Revised Code as necessary to implement this section. 34388  
The director shall adopt the rules as if they were internal 34389  
management rules. Before adopting the rules, the director shall 34390  
give the public an opportunity to review and comment on the 34391  
proposed rules. The rules shall establish methodologies to be used 34392  
to determine the amount of financial assistance to be awarded and 34393  
may do any or all of the following: 34394

(1) Govern the establishment of funding allocations; 34395

(2) Specify allowable uses of financial assistance the 34396  
department awards under this section; 34397

(3) Establish reporting, cash management, audit, and other 34398  
requirements the director determines are necessary to provide 34399  
accountability for the use of the financial assistance and 34400  
determine compliance with requirements established by the 34401  
department, a federal or state law, or any of the following that 34402  
concern the family services duties for which the financial 34403  
assistance is awarded: state plans for receipt of federal 34404  
financial participation, grant agreements between the department 34405  
and a federal entity, and executive orders issued by the governor. 34406

**Sec. 5101.24.** (A) As used in this section, "responsible 34407  
entity county grantee" means ~~a board of county commissioners or a~~ 34408  
~~county family services agency,~~ whichever county grantee, as 34409  
defined in section 5101.21 of the Revised Code, the director of 34410  
job and family services determines is appropriate to take action 34411  
against under division (C) of this section. 34412

(B) Regardless of whether a family services duty is performed 34413  
by a county family services agency, private or government entity 34414  
pursuant to a contract entered into under section 307.982 of the 34415  
Revised Code or division (C)(2) of section 5153.16 of the Revised 34416  
Code, or private or government provider of a family service duty, 34417  
the department of job and family services may take action under 34418  
division (C) of this section against the responsible ~~entity~~ county 34419  
grantee if the department determines any of the following are the 34420  
case: 34421

(1) A requirement of a ~~fiscal~~ grant agreement entered into 34422  
under section 5101.21 of the Revised Code that includes a grant 34423  
for the family services duty, including a requirement for ~~fiscal~~ 34424  
grant agreements established by rules adopted under that section, 34425  
is not complied with; 34426

(2) A county family services agency fails to develop, submit 34427  
to the department, or comply with a corrective action plan under 34428  
division (B) of section 5101.221 of the Revised Code, or the 34429  
department disapproves the agency's corrective action plan 34430  
developed under division (B) of section 5101.221 of the Revised 34431  
Code; 34432

(3) A requirement for the family services duty established by 34433  
the department or any of the following is not complied with: a 34434  
federal or state law, state plan for receipt of federal financial 34435  
participation, grant agreement between the department and a 34436  
federal agency, or executive order issued by the governor; 34437

(4) The responsible ~~entity~~ county grantee is solely or 34438  
partially responsible, as determined by the director of job and 34439  
family services, for an adverse audit finding, adverse quality 34440  
control finding, final disallowance of federal financial 34441  
participation, or other sanction or penalty regarding the family 34442  
services duty. 34443

(C) The department may take one or more of the following 34444  
actions against the responsible ~~entity~~ county grantee when 34445  
authorized by division (B)(1), (2), (3), or (4) of this section: 34446

(1) Require the responsible ~~entity~~ county grantee to comply 34447  
with a corrective action plan pursuant to a time schedule 34448  
specified by the department. The corrective action plan shall be 34449  
established or approved by the department and shall not require a 34450  
county ~~family services agency~~ grantee to commit resources to the 34451  
plan. 34452

(2) Require the responsible ~~entity~~ county grantee to comply 34453  
with a corrective action plan pursuant to a time schedule 34454  
specified by the department. The corrective action plan shall be 34455  
established or approved by the department and require a county 34456  
~~family services agency~~ grantee to commit to the plan existing 34457  
resources identified by the agency. 34458

(3) Require the responsible ~~entity~~ county grantee to do one 34459  
of the following: 34460

(a) Share with the department a final disallowance of federal 34461  
financial participation or other sanction or penalty; 34462

(b) Reimburse the department the final amount the department 34463  
pays to the federal government or another entity that represents 34464  
the amount the responsible ~~entity~~ county grantee is responsible 34465  
for of an adverse audit finding, adverse quality control finding, 34466  
final disallowance of federal financial participation, or other 34467  
sanction or penalty issued by the federal government, auditor of 34468  
state, or other entity; 34469

(c) Pay the federal government or another entity the final 34470  
amount that represents the amount the responsible ~~entity~~ county 34471  
grantee is responsible for of an adverse audit finding, adverse 34472  
quality control finding, final disallowance of federal financial 34473  
participation, or other sanction or penalty issued by the federal 34474

government, auditor of state, or other entity; 34475

(d) Pay the department the final amount that represents the 34476  
amount the responsible ~~entity~~ county grantee is responsible for of 34477  
an adverse audit finding or adverse quality control finding. 34478

(4) Impose an administrative sanction issued by the 34479  
department against the responsible ~~entity~~ county grantee. A 34480  
sanction may be increased if the department has previously taken 34481  
action against the responsible entity under this division. 34482

(5) Perform, or contract with a government or private entity 34483  
for the entity to perform, the family services duty until the 34484  
department is satisfied that the responsible ~~entity~~ county grantee 34485  
ensures that the duty will be performed satisfactorily. If the 34486  
department performs or contracts with an entity to perform a 34487  
family services duty under division (C)(5) of this section, the 34488  
department may do either or both of the following: 34489

(a) Spend funds in the county treasury appropriated by the 34490  
board of county commissioners for the duty; 34491

(b) Withhold funds allocated or reimbursements due to the 34492  
responsible ~~entity~~ county grantee for the duty and spend the funds 34493  
for the duty. 34494

(6) Request that the attorney general bring mandamus 34495  
proceedings to compel the responsible ~~entity~~ county grantee to 34496  
take or cease the action that causes division (B)(1), (2), (3), or 34497  
(4) of this section to apply. The attorney general shall bring 34498  
mandamus proceedings in the Franklin county court of appeals at 34499  
the department's request. 34500

(7) If the department takes action under this division 34501  
because of division (B)(3) of this section, temporarily withhold 34502  
funds allocated or reimbursement due to the responsible ~~entity~~ 34503  
county grantee until the department determines that the 34504  
responsible ~~entity~~ county grantee is in compliance with the 34505

requirement. The department shall release the funds when the 34506  
department determines that compliance has been achieved. 34507

(D) If the department proposes to take action against the 34508  
responsible ~~entity~~ county grantee under division (C) of this 34509  
section, the department shall notify the responsible ~~entity~~ county 34510  
grantee, director of the appropriate county family services 34511  
agency, and county auditor. The notice shall be in writing and 34512  
specify the action the department proposes to take. The department 34513  
shall send the notice by regular United States mail. 34514

Except as provided by division (E) of this section, the 34515  
responsible ~~entity~~ county grantee may request an administrative 34516  
review of a proposed action in accordance with administrative 34517  
review procedures the department shall establish. The 34518  
administrative review procedures shall comply with all of the 34519  
following: 34520

(1) A request for an administrative review shall state 34521  
specifically all of the following: 34522

(a) The proposed action specified in the notice from the 34523  
department for which the review is requested; 34524

(b) The reason why the responsible ~~entity~~ county grantee 34525  
believes the proposed action is inappropriate; 34526

(c) All facts and legal arguments that the responsible ~~entity~~ 34527  
county grantee wants the department to consider; 34528

(d) The name of the person who will serve as the responsible 34529  
~~entity's~~ county grantee's representative in the review. 34530

(2) If the department's notice specifies more than one 34531  
proposed action and the responsible ~~entity~~ county grantee does not 34532  
specify all of the proposed actions in its request pursuant to 34533  
division (D)(1)(a) of this section, the proposed actions not 34534  
specified in the request shall not be subject to administrative 34535

review and the parts of the notice regarding those proposed 34536  
actions shall be final and binding on the responsible ~~entity~~ 34537  
county grantee. 34538

(3) In the case of a proposed action under division (C)(1) of 34539  
this section, the responsible ~~entity~~ county grantee shall have 34540  
fifteen calendar days after the department mails the notice to the 34541  
responsible ~~entity~~ county grantee to send a written request to the 34542  
department for an administrative review. If it receives such a 34543  
request within the required time, the department shall postpone 34544  
taking action under division (C)(1) of this section for fifteen 34545  
calendar days following the day it receives the request or 34546  
extended period of time provided for in division (D)(5) of this 34547  
section to allow a representative of the department and a 34548  
representative of the responsible ~~entity~~ county grantee an 34549  
informal opportunity to resolve any dispute during that 34550  
fifteen-day or extended period. 34551

(4) In the case of a proposed action under division (C)(2), 34552  
(3), (4), (5), or (7) of this section, the responsible ~~entity~~ 34553  
county grantee shall have thirty calendar days after the 34554  
department mails the notice to the responsible ~~entity~~ county 34555  
grantee to send a written request to the department for an 34556  
administrative review. If it receives such a request within the 34557  
required time, the department shall postpone taking action under 34558  
division (C)(2), (3), (4), (5), or (7) of this section for thirty 34559  
calendar days following the day it receives the request or 34560  
extended period of time provided for in division (D)(5) of this 34561  
section to allow a representative of the department and a 34562  
representative of the responsible ~~entity~~ county grantee an 34563  
informal opportunity to resolve any dispute during that thirty-day 34564  
or extended period. 34565

(5) If the informal opportunity provided in division (D)(3) 34566  
or (4) of this section does not result in a written resolution to 34567

the dispute within the fifteen- or thirty-day period, the director 34568  
of job and family services and representative of the responsible 34569  
entity county grantee may enter into a written agreement extending 34570  
the time period for attempting an informal resolution of the 34571  
dispute under division (D)(3) or (4) of this section. 34572

(6) In the case of a proposed action under division (C)(3) of 34573  
this section, the responsible entity county grantee may not 34574  
include in its request disputes over a finding, final disallowance 34575  
of federal financial participation, or other sanction or penalty 34576  
issued by the federal government, auditor of state, or entity 34577  
other than the department. 34578

(7) If the responsible entity county grantee fails to request 34579  
an administrative review within the required time, the responsible 34580  
entity county grantee loses the right to request an administrative 34581  
review of the proposed actions specified in the notice and the 34582  
notice becomes final and binding on the responsible entity county 34583  
grantee. 34584

(8) If the informal opportunity provided in division (D)(3) 34585  
or (4) of this section does not result in a written resolution to 34586  
the dispute within the time provided by division (D)(3), (4), or 34587  
(5) of this section, the director shall appoint an administrative 34588  
review panel to conduct the administrative review. The review 34589  
panel shall consist of department employees and one director or 34590  
other representative of the type of county family services agency 34591  
that is responsible for the kind of family services duty that is 34592  
the subject of the dispute and serves a different county than the 34593  
county served by the responsible entity county grantee. No 34594  
individual involved in the department's proposal to take action 34595  
against the responsible entity county grantee may serve on the 34596  
review panel. The review panel shall review the responsible 34597  
entity's county grantee's request. The review panel may require 34598  
that the department or responsible entity county grantee submit 34599

additional information and schedule and conduct an informal 34600  
hearing to obtain testimony or additional evidence. A review of a 34601  
proposal to take action under division (C)(3) of this section 34602  
shall be limited solely to the issue of the amount the responsible 34603  
entity county grantee shall share with the department, reimburse 34604  
the department, or pay to the federal government, department, or 34605  
other entity under division (C)(3) of this section. The review 34606  
panel is not required to make a stenographic record of its hearing 34607  
or other proceedings. 34608

(9) After finishing an administrative review, an 34609  
administrative review panel appointed under division (D)(8) of 34610  
this section shall submit a written report to the director setting 34611  
forth its findings of fact, conclusions of law, and 34612  
recommendations for action. The director may approve, modify, or 34613  
disapprove the recommendations. If the director modifies or 34614  
disapproves the recommendations, the director shall state the 34615  
reasons for the modification or disapproval and the actions to be 34616  
taken against the responsible entity county grantee. 34617

(10) The director's approval, modification, or disapproval 34618  
under division (D)(9) of this section shall be final and binding 34619  
on the responsible entity county grantee and shall not be subject 34620  
to further departmental review. 34621

(E) The responsible entity county grantee is not entitled to 34622  
an administrative review under division (D) of this section for 34623  
any of the following: 34624

(1) An action taken under division (C)(6) of this section; 34625

(2) An action taken under section 5101.242 of the Revised 34626  
Code; 34627

(3) An action taken under division (C)(3) of this section if 34628  
the federal government, auditor of state, or entity other than the 34629  
department has identified the responsible county ~~family services~~ 34630

~~agency grantee~~ as being solely or partially responsible for an 34631  
adverse audit finding, adverse quality control finding, final 34632  
disallowance of federal financial participation, or other sanction 34633  
or penalty; 34634

(4) An adjustment to an allocation, cash draw, advance, or 34635  
reimbursement to a responsible county ~~family services agency~~ 34636  
grantee that the department determines necessary for budgetary 34637  
reasons; 34638

(5) Withholding of a cash draw or reimbursement due to 34639  
noncompliance with a reporting requirement established in rules 34640  
adopted under section 5101.243 of the Revised Code. 34641

(F) This section does not apply to other actions the 34642  
department takes against the responsible ~~entity~~ county grantee 34643  
pursuant to authority granted by another state law unless the 34644  
other state law requires the department to take the action in 34645  
accordance with this section. 34646

(G) The director of job and family services may adopt rules 34647  
in accordance with Chapter 119. of the Revised Code as necessary 34648  
to implement this section. 34649

**Sec. 5101.242.** The department of job and family services may 34650  
certify a claim to the attorney general under section 131.02 of 34651  
the Revised Code for the attorney general to take action under 34652  
that section against a responsible county grantee or responsible 34653  
entity to recover any funds that the department determines the 34654  
responsible county grantee or responsible entity owes the 34655  
department for actions taken under division (C)(2), (3), (4), or 34656  
(5) of section 5101.24 or 5101.241 of the Revised Code. 34657

**Sec. 5101.244.** If a ~~county family services agency submits an~~ 34658  
~~expenditure report to~~ the department of job and family services 34659  
and the department subsequently determines that a grant awarded to 34660

a county grantee in a grant agreement entered into under section 34661  
5101.21 of the Revised Code, an allocation, advance, or 34662  
reimbursement the department makes to ~~the~~ a county family services 34663  
agency, or a cash draw ~~the~~ a county family services agency makes, 34664  
~~for an expenditure~~ exceeds the allowable amount for the 34665  
~~expenditure~~ grant, allocation, advance, reimbursement, or cash 34666  
draw, the department may adjust, offset, withhold, or reduce an 34667  
allocation, cash draw, advance, reimbursement, or other financial 34668  
assistance to the county grantee or county family services agency 34669  
as necessary to recover the amount of the excess grant, 34670  
allocation, advance, reimbursement, or cash draw. The department 34671  
is not required to make the adjustment, offset, withholding, or 34672  
reduction in accordance with section 5101.24 of the Revised Code. 34673

The director of job and family services may adopt rules under 34674  
section 111.15 of the Revised Code as necessary to implement this 34675  
section. The director shall adopt the rules as if they were 34676  
internal management rules. 34677

**Sec. 5101.51.** In accordance with federal law governing the 34678  
children's health insurance program, the director of job and 34679  
family services may submit a state child health plan to the United 34680  
States secretary of health and human services to provide, except 34681  
as provided in section 5101.516 of the Revised Code, health 34682  
assistance to uninsured individuals under nineteen years of age 34683  
with family incomes above one hundred fifty per cent of the 34684  
federal poverty guidelines but not exceeding ~~two~~ three hundred per 34685  
cent of the federal poverty guidelines. If the director submits 34686  
the plan, the director shall include ~~both~~ all of the following in 34687  
the plan and any subsequent amendments to the plan: 34688

(A) ~~The~~ For individuals with family incomes above one hundred 34689  
fifty per cent but not exceeding two hundred per cent of the 34690  
federal poverty guidelines, the health assistance will not begin 34691

before January 1, 2000. 34692

(B) For individuals with family incomes above two hundred per cent but not exceeding three hundred per cent of the federal poverty guidelines, the health assistance will not begin before January 1, 2008. 34693  
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(C) The health assistance will be available only while federal financial participation is available for it. 34697  
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Sec. 5101.541. The food stamp program fund is hereby created in the state treasury. The fund shall consist of federal reimbursement for food stamp program administrative expenses and other food stamp program expenses. The department of job and family services shall use the money credited to the fund to pay for food stamp program administrative expenses and other food stamp program expenses. 34699  
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Sec. 5101.571. As used in sections 5101.571 to 5101.591 of the Revised Code: 34706  
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(A) "Information" means all of the following: 34708

(1) An individual's name, address, date of birth, and social security number; 34709  
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(2) The group or plan number, or other identifier, assigned by a third party to a policy held by an individual or a plan in which the individual participates and the nature of the coverage; 34711  
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(3) Any other data the director of job and family services specifies in rules adopted under section 5101.591 of the Revised Code. 34714  
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(B) "Medical assistance" means medical items or services provided under any of the following: 34717  
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(1) Medicaid, as defined in section 5111.01 of the Revised Code; 34719  
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<u>(2) The children's health insurance program part I and part</u>	34721
<u>II established under sections 5101.50 to 5101.5110 of the Revised</u>	34722
<u>Code;</u>	34723
<u>(3) The disability medical assistance program established</u>	34724
<u>under Chapter 5115. of the Revised Code.</u>	34725
<u>(C) "Medical support" means support specified as support for</u>	34726
<u>the purpose of medical care by order of a court or administrative</u>	34727
<u>agency.</u>	34728
<del>(B) "Third party"</del> <u>(D) "Public assistance" means medical</u>	34729
<del>assistance or assistance under the Ohio works first program</del>	34730
<del>established under Chapter 5107. of the Revised Code.</del>	34731
<u>(E)(1) Subject to division (E)(2) of this section, and except</u>	34732
<u>as provided in division (E)(3) of this section, "third party"</u>	34733
<del>means any health insurer as defined in section 3924.41 of the</del>	34734
<del>Revised Code, individual, entity, or public or private program,</del>	34735
<del>that is or may be liable to pay all or part of the medical cost of</del>	34736
<del>injury, disease, or disability of an applicant or recipient.</del>	34737
<del>"Third party" includes any such insurer, individual, entity, or</del>	34738
<del>program that would have been obligated to pay for the service,</del>	34739
<del>even when such third party limits or excludes payments in the case</del>	34740
<del>of an individual who is eligible for medicaid. <u>all of the</u></del>	34741
<u>following:</u>	34742
<u>(a) A person authorized to engage in the business of sickness</u>	34743
<u>and accident insurance under Title XXXIX of the Revised Code;</u>	34744
<u>(b) A person or governmental entity providing coverage for</u>	34745
<u>medical services or items to individuals on a self-insurance</u>	34746
<u>basis;</u>	34747
<u>(c) A health insuring corporation as defined in section</u>	34748
<u>1751.01 of the Revised Code;</u>	34749
<u>(d) A group health plan as defined in 29 U.S.C. 1167;</u>	34750

<u>(e) A service benefit plan as referenced in 42 U.S.C.</u>	34751
<u>1396a(a)(25);</u>	34752
<u>(f) A managed care organization;</u>	34753
<u>(g) A pharmacy benefit manager;</u>	34754
<u>(h) A third party administrator;</u>	34755
<u>(i) Any other person or governmental entity that is, by law,</u>	34756
<u>contract, or agreement, responsible for the payment or processing</u>	34757
<u>of a claim for a medical item or service for a public assistance</u>	34758
<u>recipient or participant.</u>	34759
<u>(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a</u>	34760
<u>person or governmental entity listed in division (E)(1) of this</u>	34761
<u>section is a third party even if the person or governmental entity</u>	34762
<u>limits or excludes payments for a medical item or service in the</u>	34763
<u>case of a public assistance recipient.</u>	34764
<u>(3) "Third party" does not include the program for medically</u>	34765
<u>handicapped children established under section 3701.023 of the</u>	34766
<u>Revised Code.</u>	34767
<b>Sec. 5101.572.</b> <del>Upon the request of the department of job and</del>	34768
<del>family services, any (A) A third party as defined in section</del>	34769
<del>5101.571 of the Revised Code shall cooperate with the department</del>	34770
<del>of job and family services in identifying individuals for the</del>	34771
<del>purpose of establishing third party liability pursuant to Title</del>	34772
<del>XIX of the Social Security Act, as amended. The</del>	34773
<u>(B) In furtherance of the requirement in division (A) of this</u>	34774
<u>section and to allow the department to determine any period that</u>	34775
<u>the individual or the individual's spouse or dependent may have</u>	34776
<u>been covered by the third party and the nature of the coverage, a</u>	34777
<u>third party shall provide, as the department so chooses,</u>	34778
<u>information or access to information, or both, in the third</u>	34779
<u>party's electronic data system on the department's request and in</u>	34780

accordance with division (C) of this section. 34781

(C)(1) If the department chooses to receive information 34782  
directly, the third party shall provide the information under all 34783  
of the following circumstances: 34784

(a) In a medium, format, and manner prescribed by the 34785  
director of job and family services in rules adopted under section 34786  
5101.591 of the Revised Code; 34787

(b) Free of charge; 34788

(c) Not later than the end of the thirtieth day after the 34789  
department makes its request, unless a different time is agreed to 34790  
by the director in writing. 34791

(2) If the department chooses to receive access to 34792  
information, the third party shall provide access by a method 34793  
prescribed by the director of job and family services in rules 34794  
adopted under section 5101.591 of the Revised Code. In 34795  
facilitating access, the department may enter into a trading 34796  
partner agreement with the third party to permit the exchange of 34797  
information via "ASC X 12N 270/271 Health Care Eligibility Benefit 34798  
Inquiry and Response" transactions. 34799

(D) All of the following apply with respect to information 34800  
provided by a third party to the department under this section: 34801

(1) The information is confidential and not a public record 34802  
under section 149.43 of the Revised Code. 34803

(2) The release of information to the department is not to be 34804  
considered a violation of any right of confidentiality or contract 34805  
that the third party may have with covered persons including, but 34806  
not limited to, contractees, beneficiaries, heirs, assignees, and 34807  
subscribers. 34808

(3) The third party is immune from any liability that it may 34809  
otherwise incur through its release of information to the 34810

department. 34811

The department of job and family services shall limit its use 34812  
of information gained from third parties to purposes directly 34813  
connected with the administration of the medicaid program. ~~No~~ 34814

(E) ~~No~~ third party shall disclose to other parties or make 34815  
use of any information regarding recipients of aid under Chapter 34816  
5107. or 5111. of the Revised Code that it obtains from the 34817  
department ~~of job and family services~~, except in the manner 34818  
provided for by the director of job and family services in 34819  
administrative rules. ~~Any information provided by a third party to~~ 34820  
~~the department of job and family services shall not be considered~~ 34821  
~~a violation of any right of confidentiality or contract that the~~ 34822  
~~third party may have with covered persons including, but not~~ 34823  
~~limited to, contractees, beneficiaries, heirs, assignees, and~~ 34824  
~~subscribers. The third party is immune from any liability that it~~ 34825  
~~may otherwise incur through its release of information to the~~ 34826  
~~department of job and family services.~~ 34827

**Sec. 5101.573.** (A) Subject to division (B) of this section, a 34828  
third party shall do all of the following: 34829

(1) Accept the department of job and family services' right 34830  
of recovery under section 5101.58 of the Revised Code and the 34831  
assignment of rights to the department that are described in 34832  
section 5101.59 of the Revised Code. 34833

(2) Respond to an inquiry by the department regarding a claim 34834  
for payment of a medical item or service that was submitted to the 34835  
third party not later than six years after the date of the 34836  
provision of such medical item or service; 34837

(3) Pay a claim described in division (A)(2) of this section; 34838

(4) Not deny a claim submitted by the department solely on 34839  
the basis of the date of submission of the claim, type or format 34840

of the claim form, or a failure by the medical assistance 34841  
recipient who is the subject of the claim to present proper 34842  
documentation of coverage at the time of service, if both of the 34843  
following are true: 34844

(a) The claim was submitted by the department not later than 34845  
six years after the date of the provision of the medical item or 34846  
service; 34847

(b) An action by the department to enforce its right of 34848  
recovery under section 5101.58 of the Revised Code on the claim 34849  
was commenced not later than six years after the department's 34850  
submission of the claim. 34851

(B) For purposes of the requirements in division (A) of this 34852  
section, a third party shall treat a managed care organization as 34853  
the department for a claim in which both of the following are 34854  
true: 34855

(1) The individual who is the subject of the claim received a 34856  
medical item or service through a managed care organization that 34857  
has entered into a contract with the department of job and family 34858  
services under section 5111.16 of the Revised Code; 34859

(2) The department has assigned its right of recovery for the 34860  
claim to the managed care organization. 34861

**Sec. 5101.574.** No third party shall consider whether an 34862  
individual is eligible for or receives medical assistance when 34863  
either of the following applies: 34864

(A) The individual seeks to obtain a policy or enroll in a 34865  
plan or program operated or administered by the third party; 34866

(B) The individual, or a person or governmental entity on the 34867  
individual's behalf, seeks payment for a medical item or service 34868  
provided to the individual. 34869

Sec. 5101.575. If a third party violates section 5101.572,  
5101.573, or 5101.574 of the Revised Code, a governmental entity  
that is responsible for issuing a license, certificate of  
authority, registration, or approval that authorizes the third  
party to do business in this state shall, in accordance with  
Chapter 119. of the Revised Code, deny, revoke, or terminate, as  
determined to be appropriate by the governmental entity, the  
license, certificate, registration, or approval of the third  
party. In addition, the attorney general may petition a court of  
common pleas to enjoin the violation.

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~~Sec. 5101.58. As used in this section and section 5101.59 of  
the Revised Code, "public assistance" means aid provided under  
Chapter 5111. or 5115. of the Revised Code and participation in  
the Ohio works first program established under Chapter 5107. of  
the Revised Code.~~

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(A) The acceptance of public assistance gives ~~a~~ an automatic  
right of recovery to the department of job and family services and  
a county department of job and family services against the  
liability of a third party for the cost of medical ~~services and~~  
~~care arising out of injury, disease, or disability~~ assistance paid  
on behalf of the public assistance recipient or participant. When  
an action or claim is brought against a third party by a public  
assistance recipient or participant, ~~the entire amount of any~~  
payment, settlement or compromise of the action or claim, or any  
court award or judgment, is subject to the recovery right of the  
department of job and family services or county department of job  
and family services. Except in the case of a recipient or  
participant who receives medical ~~services or care~~ assistance  
through a managed care organization, the department's or county  
department's claim shall not exceed the amount of medical ~~expenses~~  
assistance paid by ~~the departments~~ a department on behalf of the

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recipient or participant. ~~In~~ A payment, settlement, compromise, 34901  
judgment, or award that excludes the cost of medical assistance 34902  
paid for by a department shall not preclude a department from 34903  
enforcing its rights under this section. 34904

(B) In the case of a recipient or participant who receives 34905  
medical ~~services or care~~ assistance through a managed care 34906  
organization, the amount of the department's or county 34907  
department's claim shall be the amount the managed care 34908  
organization pays for medical ~~services or care~~ assistance rendered 34909  
to the recipient or participant, even if that amount is more than 34910  
the amount ~~the departments pay~~ a department pays to the managed 34911  
care organization for the recipient's or participant's medical 34912  
~~services or care. Any settlement, compromise, judgment, or award~~ 34913  
~~that excludes the cost of medical services or care shall not~~ 34914  
~~preclude the departments from enforcing their rights under this~~ 34915  
~~section~~ assistance. 34916

~~Prior to initiating any~~ (C) A recipient or participant, and 34917  
the recipient's or participant's attorney, if any, shall cooperate 34918  
with the departments. In furtherance of this requirement, the 34919  
recipient or participant, or the recipient's or participant's 34920  
attorney, if any, shall, not later than thirty days after 34921  
initiating informal recovery activity or filing a legal recovery 34922  
action, the recipient or participant, or the recipient's or 34923  
participant's representative, shall disclose against a third 34924  
party, provide written notice of the activity or action to the 34925  
appropriate department or departments as follows: 34926

(1) To only the department of job and family services when 34927  
medical assistance under medicaid has been paid; 34928

(2) To the department of job and family services and the 34929  
appropriate county department of job and family services when 34930  
medical assistance under the disability medical assistance program 34931  
or medical assistance under the nonfederal medical assistance 34932

program has been paid. 34933

(D) The written notice that must be given under division (C) 34934  
of this section shall disclose the identity and address 34935  
third party against whom the recipient or participant has or may 34936  
have a right of recovery. ~~Disclosure shall be made to the~~ 34937  
~~department of job and family services when medical expenses have~~ 34938  
~~been paid pursuant to Chapter 5111. or 5115. of the Revised Code.~~ 34939  
~~Disclosure shall be made to both the department of job and family~~ 34940  
~~services and the appropriate county department of job and family~~ 34941  
~~services when medical expenses have been paid pursuant to Chapter~~ 34942  
~~5115. of the Revised Code. No~~ 34943

(E) No settlement, compromise, judgment, or award or any 34944  
recovery in any action or claim by a recipient or participant 34945  
where the departments have a right of recovery shall be made final 34946  
without first giving the appropriate departments written notice as 34947  
described in division (C) of this section and a reasonable 34948  
opportunity to perfect their rights of recovery. If the 34949  
departments are not given the appropriate written notice, the 34950  
recipient or participant ~~is~~ and, if there is one, the recipient's 34951  
or participant's attorney, are liable to reimburse the departments 34952  
for the recovery received to the extent of medical payments made 34953  
by the departments. ~~The~~ 34954

(F) The departments shall be permitted to enforce their 34955  
recovery rights against the third party even though they accepted 34956  
prior payments in discharge of their rights under this section if, 34957  
at the time the departments received such payments, they were not 34958  
aware that additional medical expenses had been incurred but had 34959  
not yet been paid by the departments. The third party becomes 34960  
liable to the department of job and family services or county 34961  
department of job and family services as soon as the third party 34962  
is notified in writing of the valid claims for recovery under this 34963  
section. 34964

~~The (G)(1) Subject to division (G)(2) of this section, the right of recovery of a department does not apply to that portion of any judgment, award, settlement, or compromise of a claim, to the extent of attorneys' fees, costs, or other expenses incurred by a recipient or participant in securing the judgment, award, settlement, or compromise, or to the extent of medical, surgical, and hospital expenses paid by such recipient or participant from the recipient's or participant's own resources. Attorney fees and costs or other expenses in securing any recovery shall not be assessed against any claims of the departments.~~

~~To (2) Reasonable attorneys' fees, not to exceed one-third of the total judgment, award, settlement, or compromise, plus costs and other expenses incurred by the recipient or participant in securing the judgment, award, settlement, or compromise, shall first be deducted from the total judgment, award, settlement, or compromise. After fees, costs, and other expenses are deducted from the total judgment, award, settlement, or compromise, the department of job and family services or appropriate county department of job and family services shall receive no less than one-half of the remaining amount, or the actual amount of medical assistance paid, whichever is less.~~

~~(H) A right of recovery created by this section may be enforced separately or jointly by the department of job and family services or the appropriate county department of job and family services. To enforce their recovery rights, the departments may do any of the following:~~

~~(A)(1) Intervene or join in any action or proceeding brought by the recipient or participant or on the recipient's or participant's behalf against any third party who may be liable for the cost of medical services and care arising out of the recipient's or participant's injury, disease, or disability assistance paid;~~

<del>(B)(2)</del> Institute and pursue legal proceedings against any	34997
third party who may be liable for the cost of medical <del>services and</del>	34998
<del>care arising out of the recipient's or participant's injury,</del>	34999
<del>disease, or disability</del> <u>assistance paid;</u>	35000
<del>(C)(3)</del> Initiate legal proceedings in conjunction with <del>the</del> <u>any</u>	35001
injured, diseased, or disabled recipient or participant or the	35002
recipient's or participant's <del>legal</del> <u>attorney or</u> representative.	35003
<del>Recovery rights created by this section may be enforced</del>	35004
<del>separately or jointly by the department of job and family services</del>	35005
<del>and the county department of job and family services.</del>	35006
<u>(I) A recipient or participant shall not assess attorney</u>	35007
<u>fees, costs, or other expenses against the department of job and</u>	35008
<u>family services or a county department of job and family services</u>	35009
<u>when the department or county department enforces its right of</u>	35010
<u>recovery created by this section.</u>	35011
<u>(J)</u> The right of recovery given to the department under this	35012
section does not include rights to support from any other person	35013
assigned to the state under sections 5107.20 and 5115.07 of the	35014
Revised Code, but includes payments made by a third party under	35015
contract with a person having a duty to support.	35016
<del>The director of job and family services may adopt rules in</del>	35017
<del>accordance with Chapter 119. of the Revised Code the department</del>	35018
<del>considers necessary to implement this section.</del>	35019
<b>Sec. 5101.59.</b> (A) The application for, or acceptance of,	35020
public assistance constitutes an automatic assignment of certain	35021
rights to the department of job and family services. This	35022
assignment includes the rights of the applicant, recipient, or	35023
participant and also the rights of any other member of the	35024
assistance group for whom the applicant, recipient, or participant	35025
can legally make an assignment.	35026

(B) Pursuant to this section, the applicant, recipient, or participant assigns to the department any rights to medical support available to the applicant, recipient, or participant or for other members of the assistance group under an order of a court or administrative agency, and any rights to payments ~~from any by a liable~~ third party ~~liable to pay~~ for the cost of medical care and services arising out of injury, disease, or disability of the applicant, recipient, participant, or other members of the assistance group assistance paid on behalf of a public assistance recipient or participant. The recipient or participant shall cooperate with the department in obtaining such payments.

Medicare benefits shall not be assigned pursuant to this section. Benefits assigned to the department by operation of this section are directly reimbursable to the department by liable third parties.

~~(B)~~(C) Refusal by the applicant, recipient, or participant to cooperate in obtaining medical ~~support and payments~~ assistance paid for self or any other member of the assistance group renders the applicant, recipient, or participant ineligible for public assistance, unless cooperation is waived by the department. Eligibility shall continue for any individual who cannot legally assign the individual's own rights and who would have been eligible for public assistance but for the refusal to assign the individual's rights or to cooperate as required by this section by another person legally able to assign the individual's rights.

(D) If the applicant, recipient, or participant or any member of the assistance group becomes ineligible for public assistance, the department shall restore to the applicant, recipient, participant, or member of the assistance group any future rights to benefits assigned under this section.

(E) The rights of assignment given to the department under this section do not include rights to support assigned under

section 5107.20 or 5115.07 of the Revised Code. 35059

~~(C) The director of job and family services may adopt rules 35060  
in accordance with Chapter 119. of the Revised Code to implement 35061  
this section, including rules that specify what constitutes 35062  
cooperating with efforts to obtain medical support and payments 35063  
and when the cooperation requirement may be waived. 35064~~

Sec. 5101.591. (A) Except as provided in division (B) of this 35065  
section, the director of job and family services may adopt rules 35066  
in accordance with Chapter 119. of the Revised Code to implement 35067  
sections 5101.571 to 5101.59 of the Revised Code, including rules 35068  
that specify what constitutes cooperating with efforts to obtain 35069  
support or payments, or medical assistance payments, and when 35070  
cooperation may be waived. 35071

(B) The department shall adopt rules in accordance with 35072  
Chapter 119. of the Revised Code to do all of the following: 35073

(1) For purposes of the definition of "information" in 35074  
division (A) of section 5101.571 of the Revised Code, any data 35075  
other than the data specified in that division that should be 35076  
included in the definition. 35077

(2) For purposes of division (C)(1)(a) of section 5101.572 of 35078  
the Revised Code, the medium, format, and manner in which a third 35079  
party must provide information to the department. 35080

(3) For purposes of division (C)(2) of section 5101.572 of 35081  
the Revised Code, the method by which a third party must provide 35082  
the department with access to information. 35083

**Sec. 5101.802. (A) As used in this section: 35084**

(1) "Custodian," "guardian," and "minor child" have the same 35085  
meanings as in section 5107.02 of the Revised Code. 35086

(2) "Federal poverty guidelines" has the same meaning as in 35087

section 5101.46 of the Revised Code. 35088

(3) "Kinship caregiver" has the same meaning as in section 35089  
5101.85 of the Revised Code. 35090

(B) Subject to division (E) of section 5101.801 of the 35091  
Revised Code, there is hereby created the kinship permanency 35092  
incentive program to promote permanency for a minor child in the 35093  
legal and physical custody of a kinship caregiver. The program 35094  
shall provide an initial one-time incentive payment to the kinship 35095  
caregiver to defray the costs of initial placement of the minor 35096  
child in the kinship caregiver's home. The program may provide 35097  
additional permanency incentive payments for the minor child at 35098  
six month intervals for a total period not to exceed thirty-six 35099  
months. 35100

(C) A kinship caregiver may participate in the program if all 35101  
of the following requirements are met: 35102

(1) The kinship caregiver applies to a public children 35103  
services agency in accordance with the application process 35104  
established in rules authorized by division (E) of this section; 35105

~~(2) The minor child the kinship caregiver is caring for is a 35106  
child with special needs as that term is defined in rules adopted 35107  
under section 5153.163 of the Revised Code;~~ 35108

~~(3) A Not earlier than July 1, 2005, a juvenile court ~~has~~ 35109  
~~adjudicated the minor child to be an abused, neglected, dependent,~~ 35110  
~~or unruly child and determined that it is in the child's best~~ 35111  
~~interest to be in the issues an order granting legal custody ~~of to~~ 35112  
the kinship caregiver, ~~or the a probate court has determined that~~ 35113  
~~it is in the child's best interest to be in the guardianship of~~ 35114  
grants guardianship to the kinship caregiver, except that a 35115  
temporary court order is not sufficient to meet this requirement; 35116~~~~

~~(4)~~(3) The kinship caregiver is either the minor child's 35117  
custodian or guardian; 35118

<del>(5)</del> (4) The minor child resides with the kinship caregiver pursuant to a placement approval process established in rules authorized by division (E) of this section;	35119 35120 35121
<del>(6)</del> <u>(5) Excluding any income excluded under rules adopted under division (E) of this section, the gross income of the kinship caregiver's family, including the minor child, does not exceed <del>two</del> <u>three</u> hundred per cent of the federal poverty guidelines.</u>	35122 35123 35124 35125 35126
(D) Public children services agencies shall make initial and ongoing eligibility determinations for the kinship permanency incentive program in accordance with rules authorized by division (E) of this section. The director of job and family services shall supervise public children services agencies' duties under this section.	35127 35128 35129 35130 35131 35132
(E) The director of job and family services shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the kinship permanency incentive program. The rules shall establish all of the following:	35133 35134 35135 35136
(1) The application process for the program;	35137
(2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program;	35138 35139 35140
(3) The initial and ongoing eligibility determination process for the program, <u>including the computation of income eligibility;</u>	35141 35142
(4) The amount of the incentive payments provided under the program;	35143 35144
(5) The method by which the incentive payments are provided to a kinship caregiver <del>+</del> .	35145 35146
<del>(6) Anything else the director considers necessary to implement the program.</del>	35147 35148

~~(F) The director shall begin implementation of the kinship permanency incentive program no later than January 1, 2006.~~ 35149  
35150

**Sec. 5101.98.** (A) There is hereby created in the state 35151  
treasury the military injury relief fund, which shall consist of 35152  
money contributed to it under section 5747.113 of the Revised 35153  
Code, of incentive grants authorized by the "Jobs for Veterans Act," 116 Stat. 2033 (2002), and of contributions made directly to 35154  
it. Any person or entity may contribute directly to the fund in 35155  
addition to or independently of the income tax refund contribution 35156  
system established in section 5747.113 of the Revised Code. 35157  
35158

(B) Upon application, the director of job and family services 35159  
shall grant money in the fund to individuals injured while in 35160  
active service as a member of the armed forces of the United 35161  
States ~~and~~ while serving under operation Iraqi freedom or 35162  
operation enduring freedom and to individuals diagnosed with 35163  
post-traumatic stress disorder while serving, or after having 35164  
served, in operation Iraqi freedom or operation enduring freedom. 35165

(C) An individual who receives a grant under this section is 35166  
~~not~~ precluded from receiving ~~one or more~~ additional grants under 35167  
this section ~~and~~ during the same state fiscal year but is not 35168  
precluded from being considered for or receiving other assistance 35169  
offered by the department of job and family services. 35170

(D) The director shall adopt rules under Chapter 119. of the 35171  
Revised Code establishing: 35172

(1) Forms and procedures by which individuals may apply for a 35173  
grant under this section; 35174

(2) Criteria for reviewing, evaluating, and ~~ranking~~ approving 35175  
or denying grant applications; 35176

(3) Criteria for determining the amount of grants awarded 35177  
under this section; ~~and~~ 35178

(4) <u>Definitions and standards applicable to determining whether an individual meets the requirements established in division (B) of this section;</u>	35179
	35180
	35181
(5) <u>The process for appealing eligibility determinations; and</u>	35182
(6) Any other rules necessary to administer the grant program established in this section.	35183
	35184
(E) <u>An eligibility determination, a grant approval, or a grant denial made under this section may not be appealed under Chapter 119., section 5101.35, or any other provision of the Revised Code.</u>	35185
	35186
	35187
	35188
<b>Sec. 5104.30.</b> (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:	35189
	35190
	35191
	35192
	35193
(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code;	35194
	35195
(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;	35196
	35197
(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;	35198
	35199
	35200
	35201
	35202
(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;	35203
	35204
	35205
(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.	35206
	35207
	35208

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care.

(C) In the use of federal funds available under the child care block grant act, all of the following apply:

(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care.

(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs.

(3) The department shall allocate and use at least four per cent of the federal funds for the following:

(a) Activities designed to provide comprehensive consumer

education to parents and the public;	35240
(b) Activities that increase parental choice;	35241
(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care;	35242 35243 35244
<u>(d) Establishing a voluntary child care quality-rating program in which participation in the program may allow a child day-care center or type A or B family day-care home to be eligible for grants, technical assistance, training, or other assistance and become eligible for unrestricted monetary awards for maintaining a quality rating.</u>	35245 35246 35247 35248 35249 35250
(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. A county department of job and family services may purchase child care from funds obtained through any other means.	35251 35252 35253 35254 35255 35256 35257
(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the board of regents, the department of development, and other state agencies and entities whenever the cooperative efforts of the	35258 35259 35260 35261 35262 35263 35264 35265 35266 35267 35268 35269 35270

other state agencies and entities are necessary for the department 35271  
of job and family services to fulfill its duties and 35272  
responsibilities under this chapter. 35273

The department shall develop and maintain a registry of 35274  
persons providing child care. The director shall adopt rules 35275  
pursuant to Chapter 119. of the Revised Code establishing 35276  
procedures and requirements for the registry's administration. 35277

(E)(1) The director shall adopt rules in accordance with 35278  
Chapter 119. of the Revised Code establishing both of the 35279  
following: 35280

(a) Reimbursement ceilings for providers of publicly funded 35281  
child care; 35282

(b) A procedure for reimbursing and paying providers of 35283  
publicly funded child care. 35284

(2) In establishing reimbursement ceilings under division 35285  
(E)(1)(a) of this section, the director shall do all of the 35286  
following: 35287

(a) Use the information obtained under division (B)(3) of 35288  
section 5104.04 of the Revised Code; 35289

(b) Establish an enhanced reimbursement ceiling for providers 35290  
who provide child care for caretaker parents who work 35291  
nontraditional hours; 35292

(c) For a type B family day-care home provider that has 35293  
received limited certification pursuant to rules adopted under 35294  
division (G)(1) of section 5104.011 of the Revised Code, establish 35295  
a reimbursement ceiling that is the following: 35296

(i) If the provider is a person described in division 35297  
(G)(1)(a) of section 5104.011 of the Revised Code, seventy-five 35298  
per cent of the reimbursement ceiling that applies to a type B 35299  
family day-care home certified by the same county department of 35300

job and family services pursuant to section 5104.11 of the Revised Code;	35301 35302
(ii) If the provider is a person described in division (G)(1)(b) of section 5104.011 of the Revised Code, sixty per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department pursuant to section 5104.11 of the Revised Code.	35303 35304 35305 35306 35307
(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	35308 35309 35310
(a) Geographic location of the provider;	35311
(b) Type of care provided;	35312
(c) Age of the child served;	35313
(d) Special needs of the child served;	35314
(e) Whether the expanded hours of service are provided;	35315
(f) Whether weekend service is provided;	35316
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	35317 35318
(h) Any other factors the director considers appropriate.	35319
<u>(F) Not later than September 1, 2007, the director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the voluntary child care quality-rating program described in division (C)(3)(d) of this section.</u>	35320 35321 35322 35323
<b>Sec. 5107.02.</b> As used in this chapter:	35324
(A) "Adult" means an individual who is not a minor child.	35325
(B) "Assistance group" means a group of individuals treated as a unit for purposes of determining eligibility for and the amount of assistance provided under Ohio works first.	35326 35327 35328

(C) "Custodian" means an individual who has legal custody, as 35329  
defined in section 2151.011 of the Revised Code, of a minor child 35330  
or comparable status over a minor child created by a court of 35331  
competent jurisdiction in another state. 35332

(D) "Guardian" means an individual that is granted authority 35333  
by a probate court pursuant to Chapter 2111. of the Revised Code, 35334  
or a court of competent jurisdiction in another state, to exercise 35335  
parental rights over a minor child to the extent provided in the 35336  
court's order and subject to residual parental rights of the minor 35337  
child's parents. 35338

(E) "LEAP program" means the learning, earning, and parenting 35339  
program conducted under section 5107.30 of the Revised Code. 35340

(F) "Minor child" means either of the following: 35341

(1) An individual who has not attained age eighteen; 35342

(2) An individual who has not attained age nineteen and is a 35343  
full-time student in a secondary school or in the equivalent level 35344  
of vocational or technical training. 35345

~~(F)~~(G) "Minor head of household" means a minor child who is 35346  
either of the following: 35347

(1) Is married, at least six months pregnant, and a member of 35348  
an assistance group that does not include an adult; 35349

(2) Is married and is a parent of a child included in the 35350  
same assistance group that does not include an adult. 35351

~~(G)~~(H) "Ohio works first" means the program established by 35352  
this chapter known as temporary assistance for needy families in 35353  
Title IV-A. 35354

~~(H)~~(I) "Payment standard" means the amount specified in rules 35355  
adopted under section 5107.05 of the Revised Code that is the 35356  
maximum amount of cash assistance an assistance group may receive 35357  
under Ohio works first from state and federal funds. 35358

<del>(I)</del> (J) "Specified relative" means the following individuals who are age eighteen or older:	35359 35360
(1) The following individuals related by blood or adoption:	35361
(a) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";	35362 35363
(b) Siblings;	35364
(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";	35365 35366 35367
(d) First cousins and first cousins once removed.	35368
(2) Stepparents and stepsiblings;	35369
(3) Spouses and former spouses of individuals named in division <del>(I)</del> (J)(1) or (2) of this section.	35370 35371
<del>(J)</del> (K) "Title IV-A" or "Title IV-D" means Title IV-A or Title IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	35372 35373 35374
<b>Sec. 5107.03.</b> There is hereby established the Ohio works first program. The department of job and family services shall administer the program, as long as federal funds are provided for the program, in accordance with Title IV-A, 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 federal waivers granted by the United States secretary.	35375 35376 35377 35378 35379 35380 35381 35382
<del>The department shall make all cash assistance payments for Ohio works first from funds appropriated for the Ohio works first program. A county department of job and family services may use county funds to increase the amount of cash assistance an assistance group receives. An increase in the amount of cash</del>	35383 35384 35385 35386 35387

~~assistance that results from such a use of county funds shall not~~ 35388  
~~be included as countable income, gross earned income, or gross~~ 35389  
~~unearned income of the assistance group.~~ 35390

Sec. 5107.04. As used in this section, "cost-of-living 35391  
adjustment" means the cost-of-living adjustment made by the United 35392  
States commissioner of social security under 42 U.S.C. 415(i) for 35393  
benefits provided under Title II of the "Social Security Act of 35394  
1935." 35395

The department of job and family services shall make all cash 35396  
assistance payments for Ohio works first from funds appropriated 35397  
for the Ohio works first program. The amount of a cash assistance 35398  
payment the department is to make to an assistance group shall be 35399  
determined in accordance with rules adopted under section 5107.05 35400  
of the Revised Code and shall not exceed the payment standard. The 35401  
department shall increase the payment standard on January 1, 2009, 35402  
and the first day of each January thereafter by the cost-of-living 35403  
adjustment made in the immediately preceding December. 35404

A county department of job and family services may use county 35405  
funds to increase the amount of cash assistance an assistance 35406  
group receives. An increase in the amount of cash assistance that 35407  
results from such a use of county funds shall not be included as 35408  
countable income, gross earned income, or gross unearned income of 35409  
the assistance group. 35410

Sec. 5107.05. The director of job and family services shall 35411  
adopt rules to implement this chapter. The rules shall be 35412  
consistent with Title IV-A, Title IV-D, federal regulations, state 35413  
law, the Title IV-A state plan submitted to the United States 35414  
secretary of health and human services under section 5101.80 of 35415  
the Revised Code, amendments to the plan, and waivers granted by 35416  
the United States secretary. Rules governing eligibility, program 35417

participation, and other applicant and participant requirements 35418  
shall be adopted in accordance with Chapter 119. of the Revised 35419  
Code. Rules governing financial and other administrative 35420  
requirements applicable to the department of job and family 35421  
services and county departments of job and family services shall 35422  
be adopted in accordance with section 111.15 of the Revised Code. 35423

(A) The rules shall specify, establish, or govern all of the 35424  
following: 35425

(1) A payment standard for Ohio works first based on federal 35426  
and state appropriations that is increased in accordance with 35427  
section 5107.04 of the Revised Code; 35428

(2) ~~The~~ For the purpose of section 5107.04 of the Revised 35429  
Code, the method of determining the amount of cash assistance an 35430  
assistance group receives under Ohio works first; 35431

(3) Requirements for initial and continued eligibility for 35432  
Ohio works first, including requirements regarding income, 35433  
citizenship, age, residence, and assistance group composition. ~~The~~ 35434  
~~rules regarding income shall specify what is countable income,~~ 35435  
~~gross earned income, and gross unearned income for the purpose of~~ 35436  
~~section 5107.10 of the Revised Code.;~~ 35437

(4) For the purpose of section 5107.12 of the Revised Code, 35438  
application and verification procedures, including the minimum 35439  
information an application must contain. ~~If there are at least two~~ 35440  
~~telephone numbers available that a county department of human~~ 35441  
~~services can call to contact members of an assistance group, which~~ 35442  
~~may include the telephone number of an individual who can contact~~ 35443  
~~an assistance group member for the county department, the minimum~~ 35444  
~~information shall include at least those two telephone numbers.;~~ 35445

(5) The extent to which a participant of Ohio works first 35446  
must notify, pursuant to section 5107.12 of the Revised Code, a 35447  
county department of job and family services of additional income 35448

not previously reported to the county department; 35449

(6) For the purpose of section 5107.16 of the Revised Code, 35450  
standards for the determination of good cause for failure or 35451  
refusal to comply in full with a provision of a self-sufficiency 35452  
contract; 35453

(7) The department of job and family services providing 35454  
written notice of a sanction under section 5107.161 of the Revised 35455  
Code; 35456

~~(7)~~(8) Requirements for the collection and distribution of 35457  
support payments owed participants of Ohio works first pursuant to 35458  
section 5107.20 of the Revised Code; 35459

~~(8)~~(9) For the purpose of section 5107.22 of the Revised 35460  
Code, what constitutes cooperating in establishing a minor child's 35461  
paternity or establishing, modifying, or enforcing a child support 35462  
order and good cause for failure or refusal to cooperate. ~~The rule~~ 35463  
~~shall be consistent with 42 U.S.C.A. 654(29).;~~ 35464

~~(9)~~(10) The requirements governing the LEAP program ~~provided~~ 35465  
~~for under section 5107.30 of the Revised Code,~~ including the 35466  
definitions of "equivalent of a high school diploma" and "good 35467  
cause," and the incentives provided under the LEAP program; 35468

~~(10)~~(11) If the director implements section 5107.301 of the 35469  
Revised Code, the requirements governing the award provided under 35470  
that section, including the form that the award is to take and 35471  
requirements an individual must satisfy to receive the award; 35472

~~(11)~~(12) Circumstances under which a county department of job 35473  
and family services may exempt a minor head of household or adult 35474  
from participating in a work activity or developmental activity 35475  
for all or some of the weekly hours otherwise required by section 35476  
5107.43 of the Revised Code. ~~Circumstances shall include that a~~ 35477  
~~school or place of work is closed due to a holiday or weather or~~ 35478  
~~other emergency and that an employer grants the minor head of~~ 35479

~~household or adult leave for illness or earned vacation.~~ 35480

~~(12)~~(13) The maximum amount of time the department will 35481  
subsidize positions created by state agencies and political 35482  
subdivisions under division (C) of section 5107.52 of the Revised 35483  
Code. 35484

(B) The rules adopted under division (A)(3) of this section 35485  
regarding income shall specify what is countable income, gross 35486  
earned income, and gross unearned income for the purpose of 35487  
section 5107.10 of the Revised Code. 35488

The rules adopted under division (A)(9) of this section shall 35489  
be consistent with 42 U.S.C. 654(29). 35490

The rules adopted under division (A)(12) of this section 35491  
shall specify that the circumstances include that a school or 35492  
place of work is closed due to a holiday or weather or other 35493  
emergency and that an employer grants the minor head of household 35494  
or adult leave for illness or earned vacation. 35495

(C) The rules may provide that a county department of job and 35496  
family services is not required to take action under section 35497  
5107.76 of the Revised Code to recover an erroneous payment that 35498  
is below an amount the department specifies. 35499

**Sec. 5107.10.** (A) As used in this section: 35500

(1) "Countable income," "gross earned income," and "gross 35501  
unearned income" have the meanings established in rules adopted 35502  
under section 5107.05 of the Revised Code. 35503

(2) "Federal poverty guidelines" has the same meaning as in 35504  
section 5101.46 of the Revised Code, except that references to a 35505  
person's family in the definition shall be deemed to be references 35506  
to the person's assistance group. 35507

(3) "Gross income" means gross earned income and gross 35508  
unearned income. 35509

(4) ~~"Initial eligibility threshold" means the higher of the following:~~ 35510  
35511

~~(a) Fifty per cent of the federal poverty guidelines;~~ 35512

~~(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.~~ 35513  
35514  
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~~(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.~~ 35516  
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(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. 35525  
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(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements: 35531  
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(1) The assistance group, except as provided in division (E) of this section, must include at least one of the following: 35533  
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(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; 35535  
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(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)(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 initial eligibility threshold~~ fifty per cent of the federal poverty guidelines. In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to

participate in Ohio works first if the assistance group's gross 35570  
income, less the amounts disregarded, exceeds ~~the initial~~ 35571  
~~eligibility threshold~~ fifty per cent of the federal poverty 35572  
guidelines. 35573

(b) If the assistance group's gross income, less the amounts 35574  
disregarded pursuant to division (D)(1)(a) of this section, does 35575  
not exceed ~~the initial eligibility threshold~~ fifty per cent of the 35576  
federal poverty guidelines, determine whether the assistance 35577  
group's countable income is less than the payment standard. The 35578  
assistance group is ineligible to participate in Ohio works first 35579  
if the assistance group's countable income equals or exceeds the 35580  
payment standard. 35581

(2) For the purpose of determining whether an assistance 35582  
group meets the income requirement established by division 35583  
(D)(1)(a) of this section, the annual revision that the United 35584  
States department of health and human services makes to the 35585  
federal poverty guidelines shall go into effect on the first day 35586  
of July of the year for which the revision is made. 35587

(3) To determine whether an assistance group participating in 35588  
Ohio works first continues to be eligible to participate, a county 35589  
department of job and family services shall determine whether the 35590  
assistance group's countable income continues to be less than the 35591  
payment standard. In making this determination, the county 35592  
department shall disregard the first two hundred fifty dollars and 35593  
fifty per cent of the remainder of the assistance group's gross 35594  
earned income. No amounts shall be disregarded from the assistance 35595  
group's gross unearned income. The assistance group ceases to be 35596  
eligible to participate in Ohio works first if its countable 35597  
income, less the amounts disregarded, equals or exceeds the 35598  
payment standard. 35599

(4) If an assistance group reapplies to participate in Ohio 35600  
works first not more than four months after ceasing to 35601

participate, a county department of job and family services shall 35602  
use the income requirement established by division (D)(3) of this 35603  
section to determine eligibility for resumed participation rather 35604  
than the income requirement established by division (D)(1) of this 35605  
section. 35606

(E)(1) An assistance group may continue to participate in 35607  
Ohio works first even though a public children services agency 35608  
removes the assistance group's minor children from the assistance 35609  
group's home due to abuse, neglect, or dependency if the agency 35610  
does both of the following: 35611

(a) Notifies the county department of job and family services 35612  
at the time the agency removes the children that it believes the 35613  
children will be able to return to the assistance group within six 35614  
months; 35615

(b) Informs the county department at the end of each of the 35616  
first five months after the agency removes the children that the 35617  
parent, guardian, custodian, or specified relative of the children 35618  
is cooperating with the case plans prepared for the children under 35619  
section 2151.412 of the Revised Code and that the agency is making 35620  
reasonable efforts to return the children to the assistance group. 35621

(2) An assistance group may continue to participate in Ohio 35622  
works first pursuant to division (E)(1) of this section for not 35623  
more than six payment months. This division does not affect the 35624  
eligibility of an assistance group that includes a woman at least 35625  
six months pregnant. 35626

**Sec. 5107.12.** An assistance group seeking to participate in 35627  
the Ohio works first program shall apply to a county department of 35628  
job and family services using an application containing 35629  
information the director of job and family services requires 35630  
pursuant to rules adopted under section 5107.05 of the Revised 35631  
Code and any additional information the county department 35632

requires. If cash assistance under the program is to be paid by 35633  
the director of budget and management through the medium of direct 35634  
deposit as provided by section 329.03 of the Revised Code, the 35635  
application shall be accompanied by information the director needs 35636  
to make direct deposits. 35637

When a county department receives an application for 35638  
participation in Ohio works first, it shall promptly make an 35639  
investigation and record of the circumstances of the applicant in 35640  
order to ascertain the facts surrounding the application and to 35641  
obtain such other information as may be required. Upon the 35642  
completion of the investigation, the county department shall 35643  
determine as soon as possible whether the applicant is eligible to 35644  
participate, the amount of cash assistance the applicant should 35645  
receive, and the approximate date when participation shall begin. 35646  
The county department shall not delay making the determination of 35647  
whether the applicant is eligible to participate on the basis that 35648  
the individuals required by section 5107.14 of the Revised Code to 35649  
enter into a written self-sufficiency contract with the county 35650  
department have not yet done that. The amount of cash assistance 35651  
so determined shall be certified to the department of job and 35652  
family services in such form as the department shall prescribe. 35653  
Warrants, direct deposits, or debit cards shall be delivered or 35654  
made payable in the manner the department may prescribe. 35655

To the extent required by rules adopted under section 5107.05 35656  
of the Revised Code, a participant of Ohio works first shall 35657  
notify the county department immediately upon the receipt or 35658  
possession of additional income not previously reported to the 35659  
county department. Any failure to so notify a county department 35660  
shall be regarded as prima-facie evidence of an intent to defraud. 35661

**Sec. 5107.14. (A)** An assistance group is ineligible to 35662  
participate in Ohio works first unless ~~the minor head of household~~ 35663

~~or each adult member of the assistance group, not later than~~ 35664  
~~thirty days after applying for or undergoing a redetermination of~~ 35665  
~~eligibility for the program, enters the following enter~~ into a 35666  
written self-sufficiency contract with the county department of 35667  
job and family services not later than thirty days after the 35668  
assistance group applies for or undergoes a redetermination of 35669  
eligibility for the program: 35670

(1) Each adult member of the assistance group; 35671

(2) The assistance group's minor head of household unless the 35672  
minor head of household is participating in the LEAP program. The 35673

(B) A self-sufficiency contract shall set forth the rights 35674  
and responsibilities of the assistance group as applicants for and 35675  
participants of ~~the program, including work responsibilities~~ 35676  
~~established under sections 5107.40 to 5107.69 of the Revised Code~~ 35677  
~~and other requirements designed to assist the assistance group in~~ 35678  
~~achieving self sufficiency and personal responsibility. The county~~ 35679  
~~department shall provide without charge a copy of the contract to~~ 35680  
~~each assistance group member who signs it.~~ 35681

~~Each~~ Ohio works first. Each self-sufficiency contract shall 35682  
include, based on appraisals conducted under section 5107.41 of 35683  
the Revised Code and assessments conducted under section 5107.70 35684  
of the Revised Code, the following: 35685

~~(A)~~(1) The assistance group's plan, developed under section 35686  
5107.41 of the Revised Code, to achieve the goal of self 35687  
sufficiency and personal responsibility through unsubsidized 35688  
employment within the time limit for participating in Ohio works 35689  
first established by section 5107.18 of the Revised Code; 35690

~~(B)~~(2) Work activities, developmental activities, and 35691  
alternative work activities to which members of the assistance 35692  
group are assigned under sections 5107.40 to 5107.69 of the 35693  
Revised Code; 35694

~~(C)~~(3) The responsibility of a caretaker member of the assistance group to cooperate in establishing a minor child's paternity and establishing, modifying, and enforcing a support order for the child in accordance with section 5107.22 of the Revised Code; 35695  
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~~(D)~~(4) Other responsibilities that members of the assistance group must satisfy to participate in Ohio works first and the consequences for failure or refusal to satisfy the responsibilities; 35700  
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~~(E)~~(5) An agreement that the assistance group will comply with the conditions of participating in Ohio works first established by this chapter and sections 5101.58, 5101.59, and 5101.83 of the Revised Code; 35704  
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~~(F)~~(6) Assistance and services the county department will provide to the assistance group; 35708  
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~~(G)~~(7) Assistance and services the child support enforcement agency and public children services agency will provide to the assistance group pursuant to a plan of cooperation entered into under section 307.983 of the Revised Code; 35710  
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35712  
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~~(H)~~(8) Other provisions designed to assist the assistance group in achieving self sufficiency and personal responsibility; 35714  
35715

~~(I)~~(9) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended; 35716  
35717

~~(J)~~(10) Procedures for amending the contract. 35718

(C) No self-sufficiency contract shall include provisions regarding the LEAP program. 35719  
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(D) The county department shall provide without charge a copy of the self-sufficiency contract to each assistance group member who signs it. 35721  
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**Sec. 5107.16.** (A) If a member of an assistance group fails or 35724  
refuses, without good cause, to comply in full with a provision of 35725  
a self-sufficiency contract entered into under section 5107.14 of 35726  
the Revised Code, a county department of job and family services 35727  
shall sanction the assistance group as follows: 35728

(1) For a first failure or refusal, the county department 35729  
shall deny or terminate the assistance group's eligibility to 35730  
participate in Ohio works first for one payment month ~~or until the~~ 35731  
~~failure or refusal ceases, whichever is longer;~~ 35732

(2) For a second failure or refusal, the county department 35733  
shall deny or terminate the assistance group's eligibility to 35734  
participate in Ohio works first for three payment months ~~or until~~ 35735  
~~the failure or refusal ceases, whichever is longer;~~ 35736

(3) For a third or subsequent failure or refusal, the county 35737  
department shall deny or terminate the assistance group's 35738  
eligibility to participate in Ohio works first for six payment 35739  
months ~~or until the failure or refusal ceases, whichever is~~ 35740  
~~longer.~~ 35741

(B) ~~Each county department~~ The director of job and family 35742  
services shall establish standards for the determination of good 35743  
cause for failure or refusal to comply in full with a provision of 35744  
a self-sufficiency contract in rules adopted under section 5107.05 35745  
of the Revised Code. 35746

~~(1) In the case of a failure or refusal to participate in a~~ 35747  
~~work activity, developmental activity, or alternative work~~ 35748  
~~activity under sections 5107.40 to 5107.69 of the Revised Code,~~ 35749  
~~good cause shall include, except as provided in division (B)(2) of~~ 35750  
~~this section, the following:~~ 35751

~~(a) Failure of the county department to place the member in~~ 35752  
~~an activity;~~ 35753

~~(b) Failure of the county department to provide for the assistance group to receive support services the county department determines under section 5107.66 of the Revised Code to be necessary. In determining whether good cause exists, a county department shall determine that day care is a necessary support service if a single custodial parent caring for a minor child under age six proves a demonstrated inability, as determined by the county department, to obtain needed child care for one or more of the following reasons:~~

~~(i) Unavailability of appropriate child care within a reasonable distance from the parent's home or work site;~~

~~(ii) Unavailability or unsuitability of informal child care by a relative or under other arrangements;~~

~~(iii) Unavailability of appropriate and affordable formal child care arrangements.~~

~~(2) Good cause does not exist if the member of the assistance group is placed in a work activity established under section 5107.58 of the Revised Code and exhausts the support services available for that activity.~~

~~(C) When a state hearing under division (B) of section 5101.35 of the Revised Code or an administrative appeal under division (C) of that section is held regarding a sanction under this section, the hearing officer, director of job and family services, or director's designee shall base the decision in the hearing or appeal on the county department's standards of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract, if the county department provides the hearing officer, director, or director's designee a copy of the county department's good cause standards.~~

~~(D) After sanctioning an assistance group under division (A) of this section, a county department of job and family services~~

shall continue to work with the assistance group ~~to provide the~~ 35785  
~~member of the assistance group who caused the sanction an~~ 35786  
~~opportunity to demonstrate to the county department a willingness~~ 35787  
~~to cease the failure or refusal to comply with the~~ 35788  
~~self-sufficiency contract.~~ 35789

~~(E)~~(D) An adult eligible for ~~medical assistance~~ medicaid 35790  
pursuant to division (A)(1)(a) of section 5111.01 of the Revised 35791  
Code who is sanctioned under division (A)(3) of this section for a 35792  
failure or refusal, without good cause, to comply in full with a 35793  
provision of a self-sufficiency contract related to work 35794  
responsibilities under sections 5107.40 to 5107.69 of the Revised 35795  
Code loses eligibility for ~~medical assistance~~ medicaid unless the 35796  
adult is otherwise eligible for ~~medical assistance~~ medicaid 35797  
pursuant to another division of section 5111.01 of the Revised 35798  
Code. 35799

~~(F)~~ An assistance group that would be participating in Ohio 35800  
works first if not for a sanction under this section shall 35801  
continue to be eligible for all of the following: 35802

(1) Publicly funded child care in accordance with division 35803  
(A)(3) of section 5104.30 of the Revised Code; 35804

(2) Support services in accordance with section 5107.66 of 35805  
the Revised Code; 35806

(3) To the extent permitted by the "Fair Labor Standards Act 35807  
of 1938," 52 Stat. 1060, 29 U.S.C.A. 201, as amended, to 35808  
participate in work activities, developmental activities, and 35809  
alternative work activities in accordance with sections 5107.40 to 35810  
5107.69 of the Revised Code. 35811

**Sec. 5107.17.** An assistance group that resumes participation 35812  
in Ohio works first following a sanction under section 5107.16 of 35813  
the Revised Code is not required to do either of the following: 35814

(A) Reapply under section 5107.12 of the Revised Code, unless it is the assistance group's regularly scheduled time for an eligibility redetermination;	35815 35816 35817
(B) Enter into a new self-sufficiency contract under section 5107.14 of the Revised Code, unless the county department <u>of job and family services</u> determines it is time for a new appraisal under section 5107.41 of the Revised Code or the assistance group's circumstances have changed in a manner necessitating an amendment to the self-sufficiency contract as determined using procedures included in the contract under division <del>(I)</del> <u>(B)(9)</u> of section 5107.14 of the Revised Code.	35818 35819 35820 35821 35822 35823 35824 35825
<b>Sec. 5107.281.</b> A participant of Ohio works first who is enrolled in a school district in a county that is participating in the learnfare program and is not younger than age six but not older than age nineteen shall participate in the learnfare program unless one of the following is the case:	35826 35827 35828 35829 35830
(A) The participant is not yet eligible for enrollment in first grade;	35831 35832
(B) The participant is subject to the LEAP program <del>under section 5107.30 of the Revised Code;</del>	35833 35834
(C) The participant has received one of the following:	35835
(1) A high school diploma;	35836
(2) A certificate stating that the participant has achieved the equivalent of a high school education as measured by scores obtained on the tests of general educational development as published by the American council on education.	35837 35838 35839 35840
(D) The participant has been excused from school attendance pursuant to section 3321.04 of the Revised Code;	35841 35842
(E) If child care services for a member of the participant's household are necessary for the participant to attend school,	35843 35844

child care licensed or certified under Chapter 5104. of the 35845  
Revised Code or under sections 3301.52 to 3301.59 of the Revised 35846  
Code and transportation to and from the child care are not 35847  
available; 35848

(F) The participant has been adjudicated a delinquent or 35849  
unruly child pursuant to section 2151.28 of the Revised Code. 35850

**Sec. 5107.30.** (A) As used in this section: 35851

(1) "Equivalent of a high school diploma" and "good cause" 35852  
have the meanings established in rules adopted under section 35853  
5107.05 of the Revised Code. 35854

(2) ~~"LEAP program" means the learning, earning, and parenting 35855  
program.~~ 35856

~~(3)~~ "Participating teen" means an individual to whom all of 35857  
the following apply: 35858

(a) The individual is a participant of Ohio works first; 35859

(b) The individual is under age eighteen or is age eighteen 35860  
and in school and is a natural or adoptive parent or is pregnant; 35861

(c) The individual is subject to the LEAP program's 35862  
requirements. 35863

~~(4)~~(3) "School" means an educational program that is designed 35864  
to lead to the attainment of a high school diploma or the 35865  
equivalent of a high school diploma. 35866

(B) The director of job and family services may conduct a 35867  
program titled the "LEAP program" in accordance with rules adopted 35868  
under section 5107.05 of the Revised Code. The purpose of the LEAP 35869  
program is to encourage teens to complete school. 35870

Every participating teen shall attend school in accordance 35871  
with the requirements governing the LEAP program unless the 35872  
participating teen shows good cause for not attending school. The 35873

department shall provide, in addition to the cash assistance 35874  
payment provided under Ohio works first, an incentive payment, in 35875  
an amount determined by the department, to every participating 35876  
teen who attends school in accordance with the requirements 35877  
governing the LEAP program. In addition to the incentive payment, 35878  
the department may provide other incentives to participating teens 35879  
who attend school in accordance with the LEAP program's 35880  
requirements. The department shall reduce the cash assistance 35881  
payment, in an amount determined by the department, under Ohio 35882  
works first to every participating teen who fails or refuses, 35883  
without good cause, to meet the LEAP program's requirements. 35884

Every participating teen shall enter into a written agreement 35885  
with the county department of job and family services that 35886  
specifies all of the following: 35887

(1) The participating teen, to be eligible to receive the 35888  
incentive payment and other incentives, if any, under this 35889  
section, must meet the requirements of the LEAP program. 35890

(2) The incentive payment and other incentives, if any, will 35891  
be provided if the participating teen meets the requirements of 35892  
the LEAP program. 35893

(3) The participating teen's cash assistance payment under 35894  
Ohio works first will be reduced if the participating teen fails 35895  
or refuses without good cause to attend school in accordance with 35896  
the requirements governing the LEAP program. 35897

(C) A minor head of ~~household who is participating~~ 35898  
household's participation in the LEAP program shall be ~~considered~~ 35899  
~~to be participating in a work activity for the purpose of sections~~ 35900  
~~5107.40 to 5107.69 counted in determining whether a county~~ 35901  
department of job and family services meets the requirement of 35902  
section 5107.44 of the Revised Code. ~~However, the minor head of~~ 35903  
~~household is not subject to the requirements or sanctions of those~~ 35904

~~sections.~~ 35905

(D) Subject to the availability of funds, county departments 35906  
of job and family services shall provide for participating teens 35907  
to receive support services the county department determines to be 35908  
necessary for LEAP participation. Support services may include 35909  
publicly funded child care under Chapter 5104. of the Revised 35910  
Code, transportation, and other services. 35911

**Sec. 5107.36.** An individual is ~~not eligible to participate in~~ 35912  
ineligible for assistance under Ohio works first if either of the 35913  
following apply: 35914

(A) The individual is a fugitive felon as defined in section 35915  
5101.20 of the Revised Code; 35916

(B) The individual is violating a condition of probation, a 35917  
community control sanction, parole, or a post-release control 35918  
sanction imposed under federal or state law. 35919

**Sec. 5107.41.** As soon as possible after an assistance group 35920  
submits an application to participate in Ohio works first, the 35921  
county department of job and family services that receives the 35922  
application shall schedule and conduct an appraisal of each member 35923  
of the assistance group who is a minor head of household or adult, 35924  
other than a minor head of household participating in the LEAP 35925  
program. The appraisal may include an evaluation of the 35926  
employment, educational, physiological, and psychological 35927  
abilities or liabilities, or both, of the minor head of household 35928  
or adult. At the appraisal, the county department shall develop 35929  
with the minor head of household or adult a plan for the 35930  
assistance group to achieve the goal of self sufficiency and 35931  
personal responsibility through unsubsidized employment within the 35932  
time limit for participating in the Ohio works first program 35933  
established by section 5107.18 of the Revised Code. The plan shall 35934

include assignments to one or more work activities, developmental 35935  
activities, or alternative work activities in accordance with 35936  
section 5107.42 of the Revised Code. The county department shall 35937  
include the plan in the self-sufficiency contract entered into 35938  
under section 5107.14 of the Revised Code. 35939

The county department shall conduct more appraisals of the 35940  
minor head of household or adult at times the county department 35941  
determines. 35942

If the minor head of household or adult claims to have a 35943  
medically determinable physiological or psychological impairment, 35944  
illness, or disability, the county department may require that the 35945  
minor head of household or adult undergo an independent medical or 35946  
psychological examination at a time and place reasonably 35947  
convenient to the minor head of household or adult. 35948

**Sec. 5107.42.** (A) Except as provided in divisions (B) and (C) 35949  
of this section, county departments of job and family services 35950  
shall assign each minor head of household and adult participating 35951  
in Ohio works first, other than a minor head of household 35952  
participating in the LEAP program, to one or more work activities 35953  
and developmental activities. 35954

If a county department assigns a minor head of household or 35955  
adult to the work activity established under division (H) of 35956  
section 5107.60 of the Revised Code, the county department shall 35957  
make reasonable efforts to assign the minor head of household or 35958  
adult to at least one other work activity at the same time. If a 35959  
county department assigns a minor head of household or adult to 35960  
the work activity established under section 5107.58 of the Revised 35961  
Code, the county department shall assign the minor head of 35962  
household or adult to at least one other work activity at the same 35963  
time. 35964

A county department may not assign a minor head of household 35965

or adult to a work activity established under division (D) of 35966  
section 5107.60 of the Revised Code for more than twelve months. 35967

(B) If a county department determines that a minor head of 35968  
household or adult has a temporary or permanent barrier to 35969  
participation in a work activity, it may assign the minor head of 35970  
household or adult to one or more alternative work activities 35971  
instead of assigning the minor head of household or adult to one 35972  
or more work activities or developmental activities. A county 35973  
department may not assign more than twenty per cent of minor heads 35974  
of household and adults participating in Ohio works first to an 35975  
alternative work activity. 35976

County departments shall establish standards for determining 35977  
whether a minor head of household or adult has a temporary or 35978  
permanent barrier to participating in a work activity. The 35979  
following are examples of circumstances that a county department 35980  
may consider when it develops its standards: 35981

(1) A minor head of household or adult provides the county 35982  
department documented evidence that one or more members of the 35983  
assistance group have been the victim of domestic violence and are 35984  
in imminent danger of suffering continued domestic violence; 35985

(2) A minor head of household or adult is actively 35986  
participating in an alcohol or drug addiction program certified by 35987  
the department of alcohol and drug addiction services under 35988  
section 3793.06 of the Revised Code; 35989

(3) An assistance group is homeless. 35990

(C) A county department may exempt a minor head of household 35991  
or adult who is unmarried and caring for a minor child under 35992  
twelve months of age from the work requirements of sections 35993  
5107.40 to 5107.69 of the Revised Code for not more than twelve 35994  
months. While exempt, the minor head of household or adult shall 35995  
be disregarded in determining whether the county department is 35996

meeting the requirement of section 5107.44 of the Revised Code. 35997  
The county department shall assign the exempt minor head of 35998  
household or adult to at least one developmental activity for a 35999  
number of hours a week the county department determines. The 36000  
county department may assign the exempt minor head of household or 36001  
adult to one or more work activities, in addition to developmental 36002  
activities, for a number of hours the county department 36003  
determines. Division (B) of section 5107.43 of the Revised Code 36004  
does not apply to the exempt minor head of household or adult. 36005

(D) A county department may reassign a minor head of 36006  
household or adult when the county department determines 36007  
reassignment will aid the assistance group in achieving self 36008  
sufficiency and personal responsibility and shall make 36009  
reassignments when circumstances requiring reassignment occur, 36010  
including when a temporary barrier to participating in a work 36011  
activity is eliminated. 36012

A county department shall include assignments in the 36013  
self-sufficiency contract entered into under section 5107.14 of 36014  
the Revised Code and shall amend the contract when a reassignment 36015  
is made to include the reassignment in the contract. 36016

**Sec. 5111.01.** As used in this chapter, "medical assistance 36017  
program" or "medicaid" means the program that is authorized by 36018  
this chapter and provided by the department of job and family 36019  
services under this chapter, Title XIX of the "Social Security 36020  
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the 36021  
waivers of Title XIX requirements granted to the department by the 36022  
~~health care financing administration~~ centers for medicare and 36023  
medicaid services of the United States department of health and 36024  
human services. 36025

The department of job and family services shall act as the 36026  
single state agency to supervise the administration of the 36027

medicaid program. As the single state agency, the department shall 36028  
comply with 42 C.F.R. 431.10(e). The department's rules governing 36029  
medicaid are binding on other agencies that administer components 36030  
of the medicaid program. No agency may establish, by rule or 36031  
otherwise, a policy governing medicaid that is inconsistent with a 36032  
medicaid policy established, in rule or otherwise, by the director 36033  
of job and family services. 36034

(A) The department of job and family services may provide 36035  
medical assistance under the medicaid program as long as federal 36036  
funds are provided for such assistance, to the following: 36037

(1) Families with children that meet either of the following 36038  
conditions: 36039

(a) The family meets the income, resource, and family 36040  
composition requirements in effect on July 16, 1996, for the 36041  
former aid to dependent children program as those requirements 36042  
were established by Chapter 5107. of the Revised Code, federal 36043  
waivers granted pursuant to requests made under former section 36044  
5101.09 of the Revised Code, and rules adopted by the department 36045  
or any changes the department makes to those requirements in 36046  
accordance with paragraph (a)(2) of section 114 of the "Personal 36047  
Responsibility and Work Opportunity Reconciliation Act of 1996," 36048  
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 36049  
implementing section 5111.019 of the Revised Code. An adult loses 36050  
eligibility for medical assistance under division (A)(1)(a) of 36051  
this section pursuant to division ~~(E)~~(D) of section 5107.16 of the 36052  
Revised Code. 36053

(b) The family does not meet the requirements specified in 36054  
division (A)(1)(a) of this section but is eligible for medical 36055  
assistance pursuant to section 5101.18 of the Revised Code. 36056

(2) Aged, blind, and disabled persons who meet the following 36057  
conditions: 36058

(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy-five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI.

(b) Do not receive aid under Title XVI, but meet any of the following criteria:

(i) Would be eligible to receive such aid, except that their income, other than that excluded from consideration as income under Title XVI, exceeds the maximum under division (A)(2)(a) of this section, and incurred expenses for medical care, as determined under federal regulations applicable to section 209(b) of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which their income exceeds the maximum under division (A)(2)(a) of this section;

(ii) Received aid for the aged, aid to the blind, or aid for the permanently and totally disabled prior to January 1, 1974, and continue to meet all the same eligibility requirements;

(iii) Are eligible for medical assistance pursuant to section 5101.18 of the Revised Code.

(3) Persons to whom federal law requires, as a condition of state participation in the medicaid program, that medical assistance be provided;

(4) Persons under age twenty-one who meet the income requirements for the Ohio works first program established under Chapter 5107. of the Revised Code but do not meet other eligibility requirements for the program. The director shall adopt

rules in accordance with Chapter 119. of the Revised Code 36090  
specifying which Ohio works first requirements shall be waived for 36091  
the purpose of providing medicaid eligibility under division 36092  
(A)(4) of this section. 36093

(B) If sufficient funds are appropriated for ~~such purpose by~~ 36094  
~~the general assembly~~ the medical assistance program, the 36095  
department may provide medical assistance to persons in groups 36096  
designated by federal law as groups to which a state, at its 36097  
option, may provide medical assistance under the medicaid program. 36098

(C) The department may expand eligibility for medical 36099  
assistance to include individuals under age nineteen with family 36100  
incomes at or below one hundred fifty per cent of the federal 36101  
poverty guidelines, except that the eligibility expansion shall 36102  
not occur unless the department receives the approval of the 36103  
federal government. The department may implement the eligibility 36104  
expansion authorized under this division on any date selected by 36105  
the department, but not sooner than January 1, 1998. 36106

(D) In addition to any other authority or requirement to 36107  
adopt rules under this chapter, the director may adopt rules in 36108  
accordance with section 111.15 of the Revised Code as the director 36109  
considers necessary to establish standards, procedures, and other 36110  
requirements regarding the provision of medical assistance. The 36111  
rules may establish requirements to be followed in applying for 36112  
medical assistance, making determinations of eligibility for 36113  
medical assistance, and verifying eligibility for medical 36114  
assistance. The rules may include special conditions as the 36115  
department determines appropriate for making applications, 36116  
determining eligibility, and verifying eligibility for any medical 36117  
assistance that the department may provide pursuant to division 36118  
(C) of this section and section 5111.014 or 5111.019 of the 36119  
Revised Code. 36120

**Sec. 5111.014.** (A) The director of job and family services 36121  
shall submit to the United States secretary of health and human 36122  
services an amendment to the state medicaid plan to make an 36123  
individual who meets all of the following requirements eligible 36124  
for medicaid: 36125

(1) The individual is pregnant; 36126

(2) The individual's family income does not exceed ~~one~~ two 36127  
hundred ~~fifty~~ per cent of the federal poverty guidelines; 36128

(3) The individual satisfies all relevant requirements 36129  
established by rules adopted under division (D) of section 5111.01 36130  
of the Revised Code. 36131

(B) If approved by the United States secretary of health and 36132  
human services, the director of job and family services shall 36133  
implement the medicaid plan amendment submitted under division (A) 36134  
of this section as soon as possible after receipt of notice of the 36135  
approval, but not sooner than January 1, ~~2000~~ 2008. 36136

**Sec. 5111.016.** (A) As used in this section, "healthcheck" has 36137  
the same meaning as in section 3313.714 of the Revised Code. 36138

(B) ~~In accordance with federal law and regulations, the~~ The 36139  
department of job and family services shall ~~establish~~ adopt rules 36140  
in accordance with Chapter 119. of the Revised Code establishing a 36141  
combination of written and oral methods designed to provide 36142  
information about healthcheck to all persons eligible for the 36143  
program or their parents or guardians. The department shall ensure 36144  
that its methods of providing information are effective. The 36145  
methods shall comply with federal law and regulations. 36146

Each county department of job and family services or other 36147  
entity that distributes or accepts applications for medical 36148  
assistance shall prominently display ~~in a conspicuous place the~~ 36149  
~~following~~ notice: 36150

~~"Under state and federal law, if you are a Medicaid recipient, your child is entitled to a thorough medical examination provided through Healthcheck. Once this examination is completed, your child is entitled to receive, at no cost to you, any service determined to be medically necessary." that complies with the rules adopted under this division.~~

**Sec. 5111.019.** ~~(A)~~ The director of job and family services shall submit to the United States secretary of health and human services an amendment to the state medicaid plan to make an individual eligible for medicaid who meets all of the following requirements ~~eligible for medicaid for the amount of time provided by division (B) of this section:~~

~~(1)(A)~~ The individual is the parent of a child under nineteen years of age and resides with the child;

~~(2)(B)~~ The individual's family income does not exceed ninety per cent of the federal poverty guidelines;

~~(3)(C)~~ The individual is not otherwise eligible for medicaid;

~~(4)(D)~~ The individual satisfies all relevant requirements established by rules adopted under division (D) of section 5111.01 of the Revised Code.

~~(B) An individual is eligible to receive medicaid under this section for a period that does not exceed two years beginning on the date on which eligibility is established.~~

**Sec. 5111.0112.** (A) ~~Not later than July 1, 2006, the~~ The director of job and family services shall institute a ~~copayment cost-sharing~~ program under the medicaid program. ~~To the extent permitted by federal law, the copayment~~ In instituting the cost-sharing program, the director shall comply with federal law. The cost-sharing program shall establish a copayment requirement for ~~only~~ at least dental services, vision services, nonemergency

emergency department services, and prescription drugs, other than 36181  
generic drugs. The cost-sharing program shall establish 36182  
requirements regarding premiums, enrollment fees, deductions, and 36183  
similar charges. The director shall adopt rules under section 36184  
5111.02 of the Revised Code governing the copayment program. 36185

(B) The ~~copayment~~ cost-sharing program shall, to the extent 36186  
permitted by federal law, provide for all of the following with 36187  
regard to any providers participating in the medicaid program: 36188

(1) No provider shall refuse to provide a service to a 36189  
medicaid recipient who is unable to pay a required copayment for 36190  
the service. 36191

(2) Division (B)(1) of this section shall not be considered 36192  
to do either of the following with regard to a medicaid recipient 36193  
who is unable to pay a required copayment: 36194

(a) Relieve the medicaid recipient from the obligation to pay 36195  
a copayment; 36196

(b) Prohibit the provider from attempting to collect an 36197  
unpaid copayment. 36198

(3) Except as provided in division (C) of this section, no 36199  
provider shall waive a medicaid recipient's obligation to pay the 36200  
provider a copayment. 36201

(4) No provider or drug manufacturer, including the 36202  
manufacturer's representative, employee, independent contractor, 36203  
or agent, shall pay any copayment on behalf of a medicaid 36204  
recipient. 36205

(5) If it is the routine business practice of the provider to 36206  
refuse service to any individual who owes an outstanding debt to 36207  
the provider, the provider may consider an unpaid copayment 36208  
imposed by the ~~copayment~~ cost-sharing program as an outstanding 36209  
debt and may refuse service to a medicaid recipient who owes the 36210

provider an outstanding debt. If the provider intends to refuse 36211  
service to a medicaid recipient who owes the provider an 36212  
outstanding debt, the provider shall notify the individual of the 36213  
provider's intent to refuse services. 36214

(C) In the case of a provider that is a hospital, the 36215  
~~copayment~~ cost-sharing program shall permit the hospital to take 36216  
action to collect a copayment by providing, at the time services 36217  
are rendered to a medicaid recipient, notice that a copayment may 36218  
be owed. If the hospital provides the notice and chooses not to 36219  
take any further action to pursue collection of the copayment, the 36220  
prohibition against waiving copayments specified in division 36221  
(B)(3) of this section does not apply. 36222

(D) The department of job and family services may work with a 36223  
state agency that is administering, pursuant to a contract entered 36224  
into under section 5111.91 of the Revised Code, one or more 36225  
components of the medicaid program or one or more aspects of a 36226  
component as necessary for the state agency to apply the 36227  
cost-sharing program to the components or aspects of the medicaid 36228  
program that the state agency administers. 36229

**Sec. 5111.0119.** (A) The director of job and family services 36230  
shall submit to the United States secretary of health and human 36231  
services an amendment to the state medicaid plan to establish the 36232  
medicaid buy-in program in accordance with 42 U.S.C. 36233  
1396a(a)(10)(A)(ii)(XV) and (XVI). 36234

(B) The director of job and family services shall adopt rules 36235  
under section 5111.011 of the Revised Code to implement this 36236  
section. 36237

**Sec. 5111.023.** (A) As used in this section: 36238

(1) "Community mental health facility" means a community 36239  
mental health facility that has a quality assurance program 36240

accredited by the joint commission on accreditation of healthcare 36241  
organizations or is certified by the department of mental health 36242  
or department of job and family services. 36243

(2) "Mental health professional" means a person qualified to 36244  
work with mentally ill persons under the standards established by 36245  
the director of mental health pursuant to section 5119.611 of the 36246  
Revised Code. 36247

(B) The state medicaid plan shall include provision of the 36248  
following mental health services when provided by community mental 36249  
health facilities: 36250

(1) Outpatient mental health services, including, but not 36251  
limited to, preventive, diagnostic, therapeutic, rehabilitative, 36252  
and palliative interventions rendered to individuals in an 36253  
individual or group setting by a mental health professional in 36254  
accordance with a plan of treatment appropriately established, 36255  
monitored, and reviewed; 36256

(2) Partial-hospitalization mental health services ~~of three~~ 36257  
~~to fourteen hours per service day,~~ rendered by persons directly 36258  
supervised by a mental health professional; 36259

(3) Unscheduled, emergency mental health services of a kind 36260  
ordinarily provided to persons in crisis when rendered by persons 36261  
supervised by a mental health professional; 36262

(4) Subject to receipt of federal approval, assertive 36263  
community treatment and intensive home-based mental health 36264  
services. 36265

(C) The comprehensive annual plan shall certify the 36266  
availability of sufficient unencumbered community mental health 36267  
state subsidy and local funds to match federal medicaid 36268  
reimbursement funds earned by community mental health facilities. 36269

(D) The department of job and family services shall enter 36270

into a separate contract with the department of mental health 36271  
under section 5111.91 of the Revised Code with regard to the 36272  
component of the medicaid program provided for by this section. 36273

(E) Not later than July 21, 2006, the department of job and 36274  
family services shall request federal approval to provide 36275  
assertive community treatment and intensive home-based mental 36276  
health services under medicaid pursuant to this section. 36277

(F) On receipt of federal approval sought under division (E) 36278  
of this section, the director of job and family services shall 36279  
adopt rules in accordance with Chapter 119. of the Revised Code 36280  
for assertive community treatment and intensive home-based mental 36281  
health services provided under medicaid pursuant to this section. 36282  
The director shall consult with the department of mental health in 36283  
adopting the rules. 36284

Sec. 5111.028. (A) Pursuant to section 5111.02 of the Revised 36285  
Code, the director of job and family services shall adopt rules 36286  
establishing the use of time-limited provider agreements under the 36287  
medicaid program. Under the rules, each provider agreement shall 36288  
expire three years from the effective date of the agreement. 36289

(B) The rules for use of time-limited provider agreements 36290  
shall include a process for re-enrollment of providers. All of the 36291  
following apply to the re-enrollment process: 36292

(1) The department may terminate a time-limited provider 36293  
agreement or deny re-enrollment when a provider fails to file an 36294  
application for re-enrollment within the time and in the manner 36295  
required under the re-enrollment process. 36296

(2) If a provider files an application for re-enrollment 36297  
within the time and in the manner required under the re-enrollment 36298  
process, but the provider agreement expires before the department 36299  
acts on the application or before the effective date of the 36300

department's decision on the application, the provider may 36301  
continue operating under the terms of the expired provider 36302  
agreement until the effective date of the department's decision. 36303

(3) A decision by the department to approve an application 36304  
for re-enrollment becomes effective on the date of the 36305  
department's decision. A decision by the department to deny 36306  
re-enrollment shall take effect not sooner than thirty days after 36307  
the date the department mails written notice of the decision to 36308  
the provider. The department shall specify in the notice the date 36309  
on which the provider is required to cease operating under the 36310  
provider agreement. 36311

(C) Pursuant to section 5111.06 of the Revised Code, the 36312  
department is not required to take the actions specified in 36313  
division (B)(1) of this section by issuing an order pursuant to an 36314  
adjudication conducted in accordance with Chapter 119. of the 36315  
Revised Code. 36316

**Sec. 5111.029.** The medicaid program shall cover occupational 36317  
therapy services provided by an occupational therapist licensed 36318  
under section 4755.08 of the Revised Code. Coverage shall not be 36319  
limited to services provided in a hospital or nursing facility. 36320  
Any licensed occupational therapist may enter into a medicaid 36321  
provider agreement with the department of job and family services 36322  
to provide occupational therapy services under the medicaid 36323  
program. 36324

**Sec. 5111.03.** (A) No provider of services or goods 36325  
contracting with the department of job and family services 36326  
pursuant to the medicaid program shall, by deception, obtain or 36327  
attempt to obtain payments under this chapter to which the 36328  
provider is not entitled pursuant to the provider agreement, or 36329  
the rules of the federal government or the department of job and 36330

family services relating to the program. No provider shall 36331  
willfully receive payments to which the provider is not entitled, 36332  
or willfully receive payments in a greater amount than that to 36333  
which the provider is entitled; nor shall any provider falsify any 36334  
report or document required by state or federal law, rule, or 36335  
provider agreement relating to medicaid payments. As used in this 36336  
section, a provider engages in "deception" when the provider, 36337  
acting with actual knowledge of the representation or information 36338  
involved, acting in deliberate ignorance of the truth or falsity 36339  
of the representation or information involved, or acting in 36340  
reckless disregard of the truth or falsity of the representation 36341  
or information involved, deceives another or causes another to be 36342  
deceived by any false or misleading representation, by withholding 36343  
information, by preventing another from acquiring information, or 36344  
by any other conduct, act, or omission that creates, confirms, or 36345  
perpetuates a false impression in another, including a false 36346  
impression as to law, value, state of mind, or other objective or 36347  
subjective fact. No proof of specific intent to defraud is 36348  
required to show, for purposes of this section, that a provider 36349  
has engaged in deception. 36350

(B) Any provider who violates division (A) of this section 36351  
shall be liable, in addition to any other penalties provided by 36352  
law, for all of the following civil penalties: 36353

(1) Payment of interest on the amount of the excess payments 36354  
at the maximum interest rate allowable for real estate mortgages 36355  
under section 1343.01 of the Revised Code on the date the payment 36356  
was made to the provider for the period from the date upon which 36357  
payment was made, to the date upon which repayment is made to the 36358  
state; 36359

(2) Payment of an amount equal to three times the amount of 36360  
any excess payments; 36361

(3) Payment of a sum of not less than five thousand dollars 36362

and not more than ten thousand dollars for each deceptive claim or falsification; 36363  
36364

(4) All reasonable expenses which the court determines have been necessarily incurred by the state in the enforcement of this section. 36365  
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36367

(C) As used in this division, "intermediate care facility for the mentally retarded" and "nursing facility" have the same meanings given in section 5111.20 of the Revised Code. 36368  
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In addition to the civil penalties provided in division (B) of this section, the director of job and family services, upon the conviction of, or the entry of a judgment in either a criminal or civil action against, a medicaid provider or its owner, officer, authorized agent, associate, manager, or employee in an action brought pursuant to section 109.85 of the Revised Code, shall terminate the provider agreement between the department and the provider and stop reimbursement to the provider for services rendered ~~for a period of up to five years~~ from the date of conviction or entry of judgment. As used in this ~~chapter~~ division, "owner" means any person having at least five per cent ownership in the medicaid provider. No such provider, owner, officer, authorized agent, associate, manager, or employee shall own or provide services to any other medicaid provider or risk contractor or arrange for, render, or order services for medicaid recipients ~~during the period of termination as provided in division (C) of this section, nor, during the period of termination as provided in division (C) of this section,~~ shall such provider, owner, officer, authorized agent, associate, manager, or employee receive reimbursement in the form of direct payments from the department or indirect payments of medicaid funds in the form of salary, shared fees, contracts, kickbacks, or rebates from or through any participating provider or risk contractor. The provider agreement shall not be terminated or reimbursement terminated if the 36371  
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provider or owner can demonstrate that the provider or owner did 36395  
not directly or indirectly sanction the action of its authorized 36396  
agent, associate, manager, or employee that resulted in the 36397  
conviction or entry of a judgment in a criminal or civil action 36398  
brought pursuant to section 109.85 of the Revised Code. Nothing in 36399  
this division prohibits any owner, officer, authorized agent, 36400  
associate, manager, or employee of a medicaid provider from 36401  
entering into a medicaid provider agreement if the person can 36402  
demonstrate that the person had no knowledge of an action of the 36403  
medicaid provider the person was formerly associated with that 36404  
resulted in the conviction or entry of a judgment in a criminal or 36405  
civil action brought pursuant to section 109.85 of the Revised 36406  
Code. 36407

Nursing facility or intermediate care facility for the 36408  
mentally retarded providers whose agreements are terminated 36409  
pursuant to this section may continue to receive reimbursement for 36410  
up to thirty days after the effective date of the termination if 36411  
the provider makes reasonable efforts to transfer recipients to 36412  
another facility or to alternate care and if federal funds are 36413  
provided for such reimbursement. 36414

(D) For any reason permitted or required by federal law, the 36415  
director of job and family services may deny a provider agreement 36416  
or terminate a provider agreement. 36417

For any reason permitted or required by federal law, the 36418  
director may exclude an individual, provider of services or goods, 36419  
or other entity from participation in the medicaid program. No 36420  
individual, provider, or entity excluded under this division shall 36421  
own or provide services to any other medicaid provider or risk 36422  
contractor or arrange for, render, or order services for medicaid 36423  
recipients during the period of exclusion, nor, during the period 36424  
of exclusion, shall such individual, provider, or entity receive 36425  
reimbursement in the form of direct payments from the department 36426

or indirect payments of medicaid funds in the form of salary, 36427  
shared fees, contracts, kickbacks, or rebates from or through any 36428  
participating provider or risk contractor. An excluded individual, 36429  
provider, or entity may request a reconsideration of the 36430  
exclusion. The director shall adopt rules in accordance with 36431  
Chapter 119. of the Revised Code governing the process for 36432  
requesting a reconsideration. 36433

Nothing in this division limits the applicability of section 36434  
5111.06 of the Revised Code to a medicaid provider. 36435

(E) Any provider of services or goods contracting with the 36436  
department of job and family services pursuant to Title XIX of the 36437  
"Social Security Act," who, without intent, obtains payments under 36438  
this chapter in excess of the amount to which the provider is 36439  
entitled, thereby becomes liable for payment of interest on the 36440  
amount of the excess payments at the maximum real estate mortgage 36441  
rate on the date the payment was made to the provider for the 36442  
period from the date upon which payment was made to the date upon 36443  
which repayment is made to the state. 36444

~~(E)~~(F) The attorney general on behalf of the state may 36445  
commence proceedings to enforce this section in any court of 36446  
competent jurisdiction; and the attorney general may settle or 36447  
compromise any case brought under this section with the approval 36448  
of the department of job and family services. Notwithstanding any 36449  
other provision of law providing a shorter period of limitations, 36450  
the attorney general may commence a proceeding to enforce this 36451  
section at any time within six years after the conduct in 36452  
violation of this section terminates. 36453

~~(F)~~(G) The authority, under state and federal law, of the 36454  
department of job and family services or a county department of 36455  
job and family services to recover excess payments made to a 36456  
provider is not limited by the availability of remedies under 36457  
sections 5111.11 and 5111.12 of the Revised Code for recovering 36458

benefits paid on behalf of recipients of medical assistance. 36459

The penalties under this chapter apply to any overpayment, 36460  
billing, or falsification occurring on and after April 24, 1978. 36461  
All moneys collected by the state pursuant to this section shall 36462  
be deposited in the state treasury to the credit of the general 36463  
revenue fund. 36464

Sec. 5111.031. (A) As used in this section: 36465

(1) "Independent provider" has the same meaning as in section 36466  
5111.034 of the Revised Code. 36467

(2) "Intermediate care facility for the mentally retarded" 36468  
and "nursing facility" have the same meanings as in section 36469  
5111.20 of the Revised Code. 36470

(3) "Noninstitutional medicaid provider" means any person or 36471  
entity with a medicaid provider agreement other than a hospital, 36472  
nursing facility, or intermediate care facility for the mentally 36473  
retarded. 36474

(4) "Owner" means any person having at least five per cent 36475  
ownership in a noninstitutional medicaid provider. 36476

(B) Notwithstanding any provision of this chapter to the 36477  
contrary, the department of job and family services shall take 36478  
action under this section against a noninstitutional medicaid 36479  
provider or its owner, officer, authorized agent, associate, 36480  
manager, or employee. 36481

(C) Except as provided in division (D) of this section and in 36482  
rules adopted by the department under division (H) of this 36483  
section, on receiving notice and a copy of an indictment that is 36484  
issued on or after the effective date of this section and charges 36485  
a noninstitutional medicaid provider or its owner, officer, 36486  
authorized agent, associate, manager, or employee with committing 36487  
an offense specified in division (E) of this section, the 36488

department shall suspend the provider agreement held by the 36489  
noninstitutional medicaid provider. Subject to division (D) of 36490  
this section, the department shall also terminate medicaid 36491  
reimbursement to the provider for services rendered. 36492

The suspension shall continue in effect until the proceedings 36493  
in the criminal case are completed through conviction, dismissal 36494  
of the indictment, plea, or finding of not guilty. If the 36495  
department commences a process to terminate the suspended provider 36496  
agreement, the suspension shall continue in effect until the 36497  
termination process is concluded. Pursuant to section 5111.06 of 36498  
the Revised Code, the department is not required to take action 36499  
under this division by issuing an order pursuant to an 36500  
adjudication conducted in accordance with Chapter 119. of the 36501  
Revised Code. 36502

When subject to a suspension under this division, a provider, 36503  
owner, officer, authorized agent, associate, manager, or employee 36504  
shall not own or provide services to any other medicaid provider 36505  
or risk contractor or arrange for, render, or order services for 36506  
medicaid recipients during the period of suspension. During the 36507  
period of suspension, the provider, owner, officer, authorized 36508  
agent, associate, manager, or employee shall not receive 36509  
reimbursement in the form of direct payments from the department 36510  
or indirect payments of medicaid funds in the form of salary, 36511  
shared fees, contracts, kickbacks, or rebates from or through any 36512  
participating provider or risk contractor. 36513

(D)(1) The department shall not suspend a provider agreement 36514  
or terminate medicaid reimbursement under division (C) of this 36515  
section if the provider or owner can demonstrate that the provider 36516  
or owner did not directly or indirectly sanction the action of its 36517  
authorized agent, associate, manager, or employee that resulted in 36518  
the indictment. 36519

(2) The termination of medicaid reimbursement applies only to 36520

payments for medicaid services rendered subsequent to the date on 36521  
which the notice required under division (F) of this section is 36522  
sent. Claims for reimbursement for medicaid services rendered by 36523  
the provider prior to the issuance of the notice may be subject to 36524  
prepayment review procedures whereby the department reviews claims 36525  
to determine whether they are supported by sufficient 36526  
documentation, are in compliance with state and federal statutes 36527  
and rules, and are otherwise complete. 36528

(E)(1) In the case of a noninstitutional medicaid provider 36529  
that is not an independent provider, the suspension of a provider 36530  
agreement under division (C) of this section applies when an 36531  
indictment charges a person with committing an act that would be a 36532  
felony or misdemeanor under the laws of this state and the act 36533  
relates to or results from either of the following: 36534

(a) Furnishing or billing for medical care, services, or 36535  
supplies under the medicaid program; 36536

(b) Participating in the performance of management or 36537  
administrative services relating to furnishing medical care, 36538  
services, or supplies under the medicaid program. 36539

(2) In the case of a noninstitutional medicaid provider that 36540  
is an independent provider, the suspension of a provider agreement 36541  
under division (C) of this section applies when an indictment 36542  
charges a person with committing an act that would constitute one 36543  
of the offenses specified in division (D) of section 5111.034 of 36544  
the Revised Code. 36545

(F) Not later than five days after suspending a provider 36546  
agreement under division (C) of this section, the department shall 36547  
send notice of the suspension to the affected provider or owner. 36548  
In providing the notice, the department shall do all of the 36549  
following: 36550

(1) Describe the indictment that was the cause of the 36551

suspension, without necessarily disclosing specific information 36552  
concerning any ongoing civil or criminal investigation; 36553

(2) State that the suspension will continue in effect until 36554  
the proceedings in the criminal case are completed through 36555  
conviction, dismissal of the indictment, plea, or finding of not 36556  
guilty and, if the department commences a process to terminate the 36557  
suspended provider agreement, until the termination process is 36558  
concluded; 36559

(3) Inform the provider or owner of the opportunity to submit 36560  
to the department, not later than thirty days after receiving the 36561  
notice, a request for a reconsideration pursuant to division (G) 36562  
of this section. 36563

(G)(1) A noninstitutional medicaid provider or owner subject 36564  
to a suspension under this section may request a reconsideration. 36565  
The request shall be made not later than thirty days after receipt 36566  
of the notice provided under division (F) of this section. The 36567  
reconsideration is not subject to an adjudication hearing pursuant 36568  
to Chapter 119. of the Revised Code. 36569

(2) In requesting a reconsideration, the provider or owner 36570  
shall submit written information and documents to the department. 36571  
The information and documents may pertain to any of the following 36572  
issues: 36573

(a) Whether the determination to suspend the provider 36574  
agreement was based on a mistake of fact, other than the validity 36575  
of the indictment; 36576

(b) Whether any offense charged in the indictment resulted 36577  
from an offense specified in division (E) of this section; 36578

(c) Whether the provider or owner can demonstrate that the 36579  
provider or owner did not directly or indirectly sanction the 36580  
action of its authorized agent, associate, manager, or employee 36581  
that resulted in the indictment. 36582

(3) The department shall review the information and documents submitted in a request for reconsideration. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration. 36583  
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(H) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules may specify circumstances under which the department would not suspend a provider agreement pursuant to this section. 36591  
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**Sec. 5111.032.** (A) As used in this section: 36595

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 36596  
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(2) "Department" includes a designee of the department of job and family services. 36598  
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(3) "Owner" means a person who has an ownership interest in a provider in an amount designated by the department of job and family services in rules adopted under this section. 36600  
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(4) "Provider" means a person, institution, or entity that has a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 State. 620 (1965), 42 U.S.C. 1396, as amended. 36603  
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(B)(1) Except as provided in division (B)(2) of this section, the department of job and family services may require that any provider, applicant to be a provider, employee or prospective employee of a provider, owner or prospective owner of a provider, officer or prospective officer of a provider, or board member or prospective board member of a provider submit to a criminal 36607  
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records check as a condition of obtaining a provider agreement, 36613  
continuing to hold a provider agreement, being employed by a 36614  
provider, having an ownership interest in a provider, or being an 36615  
officer or board member of a provider. The department may 36616  
designate the categories of persons who are subject to the 36617  
criminal records check requirement. The department shall designate 36618  
the times at which the criminal records checks must be conducted. 36619

(2) The section does not apply to providers, applicants to be 36620  
providers, employees of a provider, or prospective employees of a 36621  
provider who are subject to criminal records checks under section 36622  
5111.033 or 5111.034 of the Revised Code. 36623

(C)(1) The department shall inform each provider or applicant 36624  
to be a provider whether the provider or applicant is subject to a 36625  
criminal records check requirement under division (B) of this 36626  
section. For providers, the information shall be given at times 36627  
designated in rules adopted under this section. For applicants to 36628  
be providers, the information shall be given at the time of 36629  
initial application. When the information is given, the department 36630  
shall specify which of the provider's or applicant's employees or 36631  
prospective employees, owners or prospective owners, officers or 36632  
prospective officers, or board members or prospective board 36633  
members are subject to the criminal records check requirement. 36634

(2) At times designated in rules adopted under this section, 36635  
a provider that is subject to the criminal records check 36636  
requirement shall inform each person specified by the department 36637  
under division (C)(1) of this section that the person is required, 36638  
as applicable, to submit to a criminal records check for final 36639  
consideration for employment in a full-time, part-time, or 36640  
temporary position; as a condition of continued employment; or as 36641  
a condition of becoming or continuing to be an officer, board 36642  
member or owner of a provider. 36643

(D)(1) If a provider or applicant to be a provider is subject 36644

to a criminal records check under this section, the department 36645  
shall require the conduct of a criminal records check by the 36646  
superintendent of the bureau of criminal identification and 36647  
investigation. If a provider or applicant to be a provider for 36648  
whom a criminal records check is required does not present proof 36649  
of having been a resident of this state for the five-year period 36650  
immediately prior to the date the criminal records check is 36651  
requested or provide evidence that within that five-year period 36652  
the superintendent has requested information about the individual 36653  
from the federal bureau of investigation in a criminal records 36654  
check, the department shall require the provider or applicant to 36655  
request that the superintendent obtain information from the 36656  
federal bureau of investigation as part of the criminal records 36657  
check of the provider or applicant. Even if a provider or 36658  
applicant for whom a criminal records check request is required 36659  
presents proof of having been a resident of this state for the 36660  
five-year period, the department may require that the provider or 36661  
applicant request that the superintendent obtain information from 36662  
the federal bureau of investigation and include it in the criminal 36663  
records check of the provider or applicant. 36664

(2) A provider shall require the conduct of a criminal 36665  
records check by the superintendent with respect to each of the 36666  
persons specified by the department under division (C)(1) of this 36667  
section. If the person for whom a criminal records check is 36668  
required does not present proof of having been a resident of this 36669  
state for the five-year period immediately prior to the date the 36670  
criminal records check is requested or provide evidence that 36671  
within that five-year period the superintendent of the bureau of 36672  
criminal identification and investigation has requested 36673  
information about the individual from the federal bureau of 36674  
investigation in a criminal records check, the individual shall 36675  
request that the superintendent obtain information from the 36676  
federal bureau of investigation as part of the criminal records 36677

check of the individual. Even if an individual for whom a criminal records check request is required presents proof of having been a resident of this state for the five-year period, the department may require the provider to request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the person. 36678  
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(E)(1) Criminal records checks required under this section for providers or applicants to be providers shall be obtained as follows: 36684  
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(a) The department shall provide each provider or applicant information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section. 36687  
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(b) The provider or applicant shall submit the required form and one complete set of fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The applicant or provider shall pay all fees associated with obtaining the criminal records check. 36692  
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(c) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The provider or applicant shall instruct the superintendent to submit the report of the criminal records check directly to the director of job and family services. 36699  
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(2) Criminal records checks required under this section for persons specified by the department under division (C)(1) of this section shall be obtained as follows: 36704  
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(a) The provider shall give to each person subject to criminal records check requirement information about accessing and 36707  
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completing the form prescribed pursuant to division (C)(1) of 36709  
section 109.572 of the Revised Code and the standard fingerprint 36710  
impression sheet prescribed pursuant to division (C)(2) of that 36711  
section. 36712

(b) The person shall submit the required form and one 36713  
complete set of fingerprint impressions directly to the 36714  
superintendent for purposes of conducting the criminal records 36715  
check using the applicable methods prescribed by division (C) of 36716  
section 109.572 of the Revised Code. The person shall pay all fees 36717  
associated with obtaining the criminal records check. 36718

(c) The superintendent shall conduct the criminal records 36719  
check in accordance with section 109.572 of the Revised Code. The 36720  
person subject to the criminal records check shall instruct the 36721  
superintendent to submit the report of the criminal records check 36722  
directly to the provider. The department may require the provider 36723  
to submit the report to the department. 36724

(F) If a provider or applicant to be a provider is given the 36725  
information specified in division (E)(1)(a) of this section but 36726  
fails to obtain a criminal records check, the department shall, as 36727  
applicable, terminate the provider agreement or deny the 36728  
application to be a provider. 36729

If a person is given the information specified in division 36730  
(E)(2)(a) of this section but fails to obtain a criminal records 36731  
check, the provider shall not, as applicable, permit the person to 36732  
be an employee, owner, officer, or board member of the provider. 36733

(G) Except as provided in rules adopted under division (J) of 36734  
this section, the department shall terminate the provider 36735  
agreement of a provider or the department shall not issue a 36736  
provider agreement to an applicant if the provider or applicant is 36737  
subject to a criminal records check under this section and the 36738  
provider or applicant has been convicted of, has pleaded guilty 36739

to, or has been found eligible for intervention in lieu of 36740  
conviction for any of the following: 36741

(1) A violation of section 2903.01, 2903.02, 2903.03, 36742  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 36743  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 36744  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 36745  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 36746  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 36747  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 36748  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 36749  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 36750  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 36751  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 36752  
3716.11 of the Revised Code, felonious sexual penetration in 36753  
violation of former section 2907.12 of the Revised Code, a 36754  
violation of section 2905.04 of the Revised Code as it existed 36755  
prior to July 1, 1996, a violation of section 2919.23 of the 36756  
Revised Code that would have been a violation of section 2905.04 36757  
of the Revised Code as it existed prior to July 1, 1996, had the 36758  
violation been committed prior to that date; 36759

(2) An existing or former law of this state, any other state, 36760  
or the United States that is substantially equivalent to any of 36761  
the offenses listed in division (D)(1) of this section. 36762

(H)(1)(a) Except as provided in rules adopted under division 36763  
(J) of this section and subject to division (H)(2) of this 36764  
section, no provider shall permit a person to be an employee, 36765  
owner, officer, or board member of the provider if the person is 36766  
subject to a criminal records check under this section and the 36767  
person has been convicted of, has pleaded guilty to, or has been 36768  
found eligible for intervention in lieu of conviction for any of 36769  
the offenses specified in division (G)(1) or (2) of this section. 36770

(b) No provider shall employ a person who has been excluded 36771

from participating in the medicaid program, the medicare program 36772  
operated pursuant to Title XVIII of the "Social Security Act," or 36773  
any other federal health care program. 36774

(2)(a) A provider may employ conditionally a person for whom 36775  
a criminal records check is required under this section prior to 36776  
obtaining the results of a criminal records check regarding the 36777  
person, but only if the person submits a request for a criminal 36778  
records check not later than five business days after the 36779  
individual begins conditional employment. 36780

(b) A provider that employs a person conditionally under 36781  
authority of division (H)(2)(a) of this section shall terminate 36782  
the person's employment if the results of the criminal records 36783  
check request are not obtained within the period ending sixty days 36784  
after the date the request is made. Regardless of when the results 36785  
of the criminal records check are obtained, if the results 36786  
indicate that the individual has been convicted of, has pleaded 36787  
guilty to, or has been found eligible for intervention in lieu of 36788  
conviction for any of the offenses specified in division (G)(1) or 36789  
(2) of this section, the provider shall terminate the person's 36790  
employment unless the provider chooses to employ the individual 36791  
pursuant to division (J) of this section. 36792

(I) The report of a criminal records check conducted pursuant 36793  
to this section is not a public record for the purposes of section 36794  
149.43 of the Revised Code and shall not be made available to any 36795  
person other than the following: 36796

(1) The person who is the subject of the criminal records 36797  
check or the person's representative; 36798

(2) The director of job and family services and the staff of 36799  
the department in the administration of the medicaid program; 36800

(3) A court, hearing officer, or other necessary individual 36801  
involved in a case dealing with the denial or termination of a 36802

provider agreement; 36803

(4) A court, hearing officer, or other necessary individual 36804  
involved in a case dealing with a person's denial of employment, 36805  
termination of employment, or employment or unemployment benefits. 36806

(J) The department may adopt rules in accordance with Chapter 36807  
119. of the Revised Code to implement this section. The rules may 36808  
specify circumstances under which the department may continue a 36809  
provider agreement or issue a provider agreement to an applicant 36810  
when the provider or applicant has been convicted of, has pleaded 36811  
guilty to, or has been found eligible for intervention in lieu of 36812  
conviction for any of the offenses specified in division (G)(1) or 36813  
(2) of this section. The rules may also specify circumstances 36814  
under which a provider may permit a person to be an employee, 36815  
owner, officer, or board member of the provider, when the person 36816  
has been convicted of, has pleaded guilty to, or has been found 36817  
eligible for intervention in lieu of conviction for any of the 36818  
offenses specified in division (G)(1) or (2) of this section. 36819

**Sec. ~~5111.95~~ 5111.033.** (A) As used in this section: 36820

(1) "Applicant" means a person who is under final 36821  
consideration for employment or, after ~~the effective date of this~~ 36822  
~~section~~ September 26, 2003, an existing employee with a waiver 36823  
agency in a full-time, part-time, or temporary position that 36824  
involves providing home and community-based waiver services to a 36825  
person with disabilities. "Applicant" also means an existing 36826  
employee with a waiver agency in a full-time, part-time, or 36827  
temporary position that involves providing home and 36828  
community-based waiver services to a person with disabilities 36829  
after ~~the effective date of this section~~ September 26, 2003. 36830

(2) "Criminal records check" has the same meaning as in 36831  
section 109.572 of the Revised Code. 36832

(3) "Waiver agency" means a person or government entity that 36833  
is not certified under the medicare program and is accredited by 36834  
the community health accreditation program or the joint commission 36835  
on accreditation of health care organizations or a company that 36836  
provides home and community-based waiver services to persons with 36837  
disabilities through department of job and family services 36838  
administered home and community-based waiver programs. 36839

(4) "Home and community-based waiver services" means services 36840  
furnished under the provision of 42 C.F.R. 441, subpart G, that 36841  
permit individuals to live in a home setting rather than a nursing 36842  
facility or hospital. Home and community-based waiver services are 36843  
approved by the centers for medicare and medicaid for specific 36844  
populations and are not otherwise available under the medicaid 36845  
state plan. 36846

(B)(1) The chief administrator of a waiver agency shall 36847  
require each applicant to request that the superintendent of the 36848  
bureau of criminal identification and investigation conduct a 36849  
criminal records check with respect to ~~each~~ the applicant. If an 36850  
applicant for whom a criminal records check request is required 36851  
under this division does not present proof of having been a 36852  
resident of this state for the five-year period immediately prior 36853  
to the date the criminal records check is requested or provide 36854  
evidence that within that five-year period the superintendent has 36855  
requested information about the applicant from the federal bureau 36856  
of investigation in a criminal records check, the chief 36857  
administrator shall require the applicant to request that the 36858  
superintendent obtain information from the federal bureau of 36859  
investigation as part of the criminal records check of the 36860  
applicant. Even if an applicant for whom a criminal records check 36861  
request is required under this division presents proof of having 36862  
been a resident of this state for the five-year period, the chief 36863  
administrator may require the applicant to request that the 36864

superintendent include information from the federal bureau of 36865  
investigation in the criminal records check. 36866

~~(2) A person required by division (B)(1) of this section to 36867  
request a criminal records check. The chief administrator shall de 36868  
both of provide the following:~~ 36869

~~(a) Provide to each applicant for whom a criminal records 36870  
check request is required under division (B)(1) of this section a 36871  
copy of:~~ 36872

~~(a) Information about accessing, completing, and forwarding 36873  
to the superintendent of the bureau of criminal identification and 36874  
investigation the form prescribed pursuant to division (C)(1) of 36875  
section 109.572 of the Revised Code and a the standard fingerprint 36876  
impression sheet prescribed pursuant to division (C)(2) of that 36877  
section, and obtain the completed form and impression sheet from 36878  
the applicant;~~ 36879

~~(b) Forward the completed form and impression sheet to the 36880  
superintendent of the bureau of criminal identification and 36881  
investigation. Written notification that the applicant is to 36882  
instruct the superintendent to submit the completed report of the 36883  
criminal records check directly to the chief administrator.~~ 36884

~~(3) An applicant provided the form and fingerprint impression 36885  
sheet under division (B)(2)(a) of this section who fails to 36886  
complete the form or provide fingerprint impressions given 36887  
information and notification under divisions (B)(2)(a) and (b) of 36888  
this section who fails to access, complete, and forward to the 36889  
superintendent the form or the standard fingerprint impression 36890  
sheet, or who fails to instruct the superintendent to submit the 36891  
completed report of the criminal records check directly to the 36892  
chief administrator, shall not be employed in any position in a 36893  
waiver agency for which a criminal records check is required by 36894  
this section. 36895~~

(C)(1) Except as provided in rules adopted by the department 36896  
of job and family services in accordance with division (F) of this 36897  
section and subject to division (C)(2) of this section, no waiver 36898  
agency shall employ a person in a position that involves providing 36899  
home and community-based waiver services to persons with 36900  
disabilities if the person has been convicted of ~~or~~, has pleaded 36901  
guilty to, or has been found eligible for intervention in lieu of 36902  
conviction for any of the following: 36903

(a) A violation of section 2903.01, 2903.02, 2903.03, 36904  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 36905  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 36906  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 36907  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 36908  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 36909  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 36910  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 36911  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 36912  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 36913  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 36914  
3716.11 of the Revised Code, felonious sexual penetration in 36915  
violation of former section 2907.12 of the Revised Code, a 36916  
violation of section 2905.04 of the Revised Code as it existed 36917  
prior to July 1, 1996, a violation of section 2919.23 of the 36918  
Revised Code that would have been a violation of section 2905.04 36919  
of the Revised Code as it existed prior to July 1, 1996, had the 36920  
violation been committed prior to that date; 36921

(b) An existing or former law of this state, any other state, 36922  
or the United States that is substantially equivalent to any of 36923  
the offenses listed in division (C)(1)(a) of this section. 36924

(2)(a) A waiver agency may employ conditionally an applicant 36925  
for whom a criminal records check request is required under 36926  
division (B) of this section prior to obtaining the results of a 36927

criminal records check regarding the individual, provided that the 36928  
agency shall require the individual to request a criminal records 36929  
check regarding the individual in accordance with division (B)(1) 36930  
of this section not later than five business days after the 36931  
individual begins conditional employment. 36932

(b) A waiver agency that employs an individual conditionally 36933  
under authority of division (C)(2)(a) of this section shall 36934  
terminate the individual's employment if the results of the 36935  
criminal records check request under division (B) of this section, 36936  
other than the results of any request for information from the 36937  
federal bureau of investigation, are not obtained within the 36938  
period ending sixty days after the date the request is made. 36939  
Regardless of when the results of the criminal records check are 36940  
obtained, if the results indicate that the individual has been 36941  
convicted of ~~or~~, has pleaded guilty to, or has been found eligible 36942  
for intervention in lieu of conviction for any of the offenses 36943  
listed or described in division (C)(1) of this section, the agency 36944  
shall terminate the individual's employment unless the agency 36945  
chooses to employ the individual pursuant to division (F) of this 36946  
section. 36947

(D)(1) ~~Each waiver agency shall pay to the bureau of criminal~~ 36948  
~~identification and investigation the~~ The fee prescribed pursuant 36949  
to division (C)(3) of section 109.572 of the Revised Code for each 36950  
criminal records check conducted pursuant to a request made under 36951  
division (B) of this section shall be paid to the bureau of 36952  
criminal identification and investigation by the applicant or the 36953  
waiver agency. 36954

(2) ~~A~~ If a waiver agency pays the fee, it may charge ~~an~~ the 36955  
applicant a fee not exceeding the amount the agency pays under 36956  
division (D)(1) of this section. An agency may collect a fee only 36957  
if the agency notifies the person at the time of initial 36958  
application for employment of the amount of the fee and that, 36959

unless the fee is paid, the person will not be considered for 36960  
employment. 36961

(E) The report of any criminal records check conducted 36962  
pursuant to a request made under this section is not a public 36963  
record for the purposes of section 149.43 of the Revised Code and 36964  
shall not be made available to any person other than the 36965  
following: 36966

(1) The individual who is the subject of the criminal records 36967  
check or the individual's representative; 36968

(2) The chief administrator of the agency requesting the 36969  
criminal records check or the administrator's representative; 36970

(3) An administrator at the department; 36971

(4) A court, hearing officer, or other necessary individual 36972  
involved in a case dealing with a denial of employment of the 36973  
applicant or dealing with employment or unemployment benefits of 36974  
the applicant. 36975

(F) The department shall adopt rules in accordance with 36976  
Chapter 119. of the Revised Code to implement this section. The 36977  
rules shall specify circumstances under which a waiver agency may 36978  
employ a person who has been convicted of ~~or~~, has pleaded guilty 36979  
to, or has been found eligible for intervention in lieu of 36980  
conviction for an offense listed or described in division (C)(1) 36981  
of this section ~~but meets personal character standards set by the~~ 36982  
~~department.~~ 36983

(G) The chief administrator of a waiver agency shall inform 36984  
each person, at the time of initial application for a position 36985  
that involves providing home and community-based waiver services 36986  
to a person with a disability, that the person is required to 36987  
provide a set of fingerprint impressions and that a criminal 36988  
records check is required to be conducted if the person comes 36989  
under final consideration for employment. 36990

(H)(1) A person who, on ~~the effective date of this section~~ 36991  
September 26, 2003, is an employee of a waiver agency in a 36992  
full-time, part-time, or temporary position that involves 36993  
providing home and community-based waiver services to a person 36994  
with disabilities shall comply with this section within sixty days 36995  
after ~~the effective date of this section~~ September 26, 2003, 36996  
unless division (H)(2) of this section applies. 36997

(2) This section shall not apply to a person to whom all of 36998  
the following apply: 36999

(a) On ~~the effective date of this section~~ September 26, 2003, 37000  
the person is an employee of a waiver agency in a full-time, 37001  
part-time, or temporary position that involves providing home and 37002  
community-based waiver services to a person with disabilities. 37003

(b) The person previously had been the subject of a criminal 37004  
background check relating to that position; 37005

(c) The person has been continuously employed in that 37006  
position since that criminal background check had been conducted. 37007

**Sec. ~~5111.96~~ 5111.034.** (A) As used in this section: 37008

(1) "Anniversary date" means the later of the effective date 37009  
of the provider agreement relating to the independent provider or 37010  
sixty days after ~~the effective date of this section~~ September 26, 37011  
2003. 37012

(2) "Criminal records check" has the same meaning as in 37013  
section 109.572 of the Revised Code. 37014

(3) "~~The department~~ Department" ~~means~~ includes a designee of 37015  
the department of job and family services ~~or its designee~~. 37016

(4) "Independent provider" means a person who is submitting 37017  
an application for a provider agreement or who has a provider 37018  
agreement as an independent provider in a department of job and 37019  
family services administered home and community-based services 37020

program providing home and community-based waiver services to 37021  
consumers with disabilities. 37022

(5) "Home and community-based waiver services" has the same 37023  
meaning as in section ~~5111.95~~ 5111.033 of the Revised Code. 37024

(B)(1) The department of job and family services shall inform 37025  
each independent provider, at the time of initial application for 37026  
a provider agreement that involves providing home and 37027  
community-based waiver services to consumers with disabilities, 37028  
that the independent provider is required to provide a set of 37029  
fingerprint impressions and that a criminal records check is 37030  
required to be conducted if the person is to become an independent 37031  
provider in a department administered home and community-based 37032  
waiver program. 37033

(2) Beginning on ~~the effective date of this section~~ September 37034  
26, 2003, the department shall inform each enrolled medicaid 37035  
independent provider on or before time of the anniversary date of 37036  
the provider agreement that involves providing home and 37037  
community-based waiver services to consumers with disabilities 37038  
that the independent provider is required to provide a set of 37039  
fingerprint impressions and that a criminal records check is 37040  
required to be conducted. 37041

(C)(1) The department shall require the independent provider 37042  
to complete a criminal records check prior to entering into a 37043  
provider agreement with the independent provider and at least 37044  
annually thereafter. If an independent provider for whom a 37045  
criminal records check is required under this division does not 37046  
present proof of having been a resident of this state for the 37047  
five-year period immediately prior to the date the criminal 37048  
records check is requested or provide evidence that within that 37049  
five-year period the superintendent of the bureau of criminal 37050  
identification and investigation has requested information about 37051  
the ~~applicant~~ independent provider from the federal bureau of 37052

investigation in a criminal records check, the department shall 37053  
request that the independent provider obtain through the 37054  
superintendent a criminal records request from the federal bureau 37055  
of investigation as part of the criminal records check of the 37056  
independent provider. Even if an independent provider for whom a 37057  
criminal records check request is required under this division 37058  
presents proof of having been a resident of this state for the 37059  
five-year period, the department may request that the independent 37060  
provider obtain information through the superintendent from the 37061  
federal bureau of investigation in the criminal records check. 37062

(2) The department shall ~~do both of~~ provide the following: 37063

~~(a) Provide information~~ to each independent provider for whom 37064  
a criminal records check request is required under division (C)(1) 37065  
of this section ~~about requesting a copy of:~~ 37066

(a) Information about accessing, completing, and forwarding 37067  
to the superintendent of the bureau of criminal identification and 37068  
investigation the form prescribed pursuant to division (C)(1) of 37069  
section 109.572 of the Revised Code and a the standard fingerprint 37070  
impression sheet prescribed pursuant to division (C)(2) of that 37071  
section, ~~and obtain the completed form and impression sheet and~~ 37072  
~~fee from the independent provider;~~ 37073

~~(b) Forward the completed form, impression sheet, and fee to~~ 37074  
~~the superintendent of the bureau of criminal identification and~~ 37075  
~~investigation~~ Written notification that the independent provider 37076  
is to instruct the superintendent to submit the completed report 37077  
of the criminal records check directly to the department. 37078

(3) An independent provider given information ~~about obtaining~~ 37079  
~~the form and fingerprint impression sheet under division (C)(2)(a)~~ 37080  
~~of this section who fails to complete the form or provide~~ 37081  
~~fingerprint impressions~~ and notification under divisions (C)(2)(a) 37082  
and (b) of this section who fails to access, complete, and forward 37083

to the superintendent the form or the standard fingerprint 37084  
impression sheet, or who fails to instruct the superintendent to 37085  
submit the completed report of the criminal records check directly 37086  
to the department, shall not be approved as an independent 37087  
provider. 37088

(D) Except as provided in rules adopted by the department in 37089  
accordance with division (G) of this section, the department shall 37090  
not issue a new provider agreement to, and shall terminate an 37091  
existing provider agreement of, an independent provider if the 37092  
person has been convicted of ~~or~~, has pleaded guilty to, or has 37093  
been found eligible for intervention in lieu of conviction for any 37094  
of the following: 37095

(1) A violation of section 2903.01, 2903.02, 2903.03, 37096  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 37097  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 37098  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 37099  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 37100  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 37101  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 37102  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 37103  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 37104  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 37105  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 37106  
3716.11 of the Revised Code, felonious sexual penetration in 37107  
violation of former section 2907.12 of the Revised Code, a 37108  
violation of section 2905.04 of the Revised Code as it existed 37109  
prior to July 1, 1996, a violation of section 2919.23 of the 37110  
Revised Code that would have been a violation of section 2905.04 37111  
of the Revised Code as it existed prior to July 1, 1996, had the 37112  
violation been committed prior to that date; 37113

(2) An existing or former law of this state, any other state, 37114  
or the United States that is substantially equivalent to any of 37115

the offenses listed in division (D)(1) of this section. 37116

(E) Each independent provider shall pay to the bureau of 37117  
criminal identification and investigation the fee prescribed 37118  
pursuant to division (C)(3) of section 109.572 of the Revised Code 37119  
for each criminal records check conducted pursuant to a request 37120  
made under division (C) of this section. 37121

(F) The report of any criminal records check conducted by the 37122  
bureau of criminal identification and investigation in accordance 37123  
with section 109.572 of the Revised Code and pursuant to a request 37124  
made under division (C) of this section is not a public record for 37125  
the purposes of section 149.43 of the Revised Code and shall not 37126  
be made available to any person other than the following: 37127

(1) The person who is the subject of the criminal records 37128  
check or the person's representative; 37129

(2) ~~The An~~ administrator at the department ~~who is requesting~~ 37130  
~~the criminal records check~~ or the administrator's representative; 37131

(3) ~~Any A~~ court, hearing officer, or other necessary 37132  
individual involved in a case dealing with a denial or termination 37133  
of a provider agreement related to the criminal records check. 37134

(G) The department shall adopt rules in accordance with 37135  
Chapter 119. of the Revised Code to implement this section. The 37136  
rules shall specify circumstances under which the department may 37137  
either issue a provider agreement to an independent provider ~~who~~ 37138  
or allow an independent provider to maintain an existing provider 37139  
agreement when the independent provider has been convicted of ~~or,~~ 37140  
has pleaded guilty to, or has been found eligible for intervention 37141  
in lieu of conviction for an offense listed or described in 37142  
division (C)(1) of this section ~~but meets personal character~~ 37143  
~~standards set by the department.~~ 37144

**Sec. 5111.06.** (A)(1) As used in this section and in sections 37145

5111.061 and 5111.062 of the Revised Code:	37146
(a) "Provider" means any person, institution, or entity that furnishes medicaid services under a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.	37147 37148 37149 37150 37151
(b) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.	37152 37153
(c) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code.	37154 37155
(2) This section does not apply to any action taken by the department of job and family services under sections 5111.35 to 5111.62 of the Revised Code.	37156 37157 37158
(B) Except as provided in division (D) of this section and section 5111.914 of the Revised Code, the department shall do either of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code:	37159 37160 37161 37162 37163
(1) Enter into or refuse to enter into a provider agreement with a provider, or suspend, terminate, renew, or refuse to renew an existing provider agreement with a provider;	37164 37165 37166
(2) Take any action based upon a final fiscal audit of a provider.	37167 37168
(C) Any party who is adversely affected by the issuance of an adjudication order under division (B) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code.	37169 37170 37171 37172
(D) The department is not required to comply with division (B)(1) of this section whenever any of the following occur:	37173 37174
(1) The terms of a provider agreement require the provider to	37175

~~have~~ hold a license, permit, or certificate or maintain a 37176  
certification issued by an official, board, commission, 37177  
department, division, bureau, or other agency of state or federal 37178  
government other than the department of job and family services, 37179  
and the license, permit, ~~or~~ certificate, or certification has been 37180  
~~denied or~~, revoked, not renewed, suspended, or otherwise limited. 37181

(2) The terms of a provider agreement require the provider to 37182  
hold a license, permit, or certificate or maintain certification 37183  
issued by an official, board, commission, department, division, 37184  
bureau, or other agency of state or federal government other than 37185  
the department of job and family services, and the provider has 37186  
not obtained the license, permit, certificate, or certification. 37187

(3) The provider agreement is denied, terminated, or not 37188  
renewed due to the termination, refusal to renew, or denial of a 37189  
license, permit, certificate, or certification by an official, 37190  
board, commission, department, division, bureau, or other agency 37191  
of this state other than the department of job and family 37192  
services, notwithstanding the fact that the provider may hold a 37193  
license, permit, certificate, or certification from an official, 37194  
board, commission, department, division, bureau, or other agency 37195  
of another state. 37196

~~(2)~~(4) The provider agreement is denied, terminated, or not 37197  
renewed pursuant to division (C) or ~~(E)~~(F) of section 5111.03 of 37198  
the Revised Code; 37199

~~(3)~~(5) The provider agreement is denied, terminated, or not 37200  
renewed due to the provider's termination, suspension, or 37201  
exclusion from the medicare program established under Title XVIII 37202  
of the "Social Security Act," and the termination, suspension, or 37203  
exclusion is binding on the provider's participation in the 37204  
medicaid program; 37205

~~(4)~~(6) The provider agreement is denied, terminated, or not 37206

renewed due to the provider's pleading guilty to or being 37207  
convicted of a criminal activity materially related to either the 37208  
medicare or medicaid program; 37209

~~(5)~~(7) The provider agreement is denied, terminated, or 37210  
suspended as a result of action by the United States department of 37211  
health and human services and that action is binding on the 37212  
provider's participation in the medicaid program; 37213

~~(6)~~(8) The provider agreement is suspended pursuant to 37214  
section 5111.031 of the Revised Code pending indictment of the 37215  
provider. 37216

(9) The provider agreement is denied, terminated, or not 37217  
renewed because the provider has been convicted of one of the 37218  
offenses that caused the provider agreement to be suspended 37219  
pursuant to section 5111.031 of the Revised Code. 37220

(10) The provider agreement is terminated or an application 37221  
for re-enrollment is denied because the provider has failed to 37222  
apply for re-enrollment within the time or in the manner specified 37223  
for re-enrollment pursuant to section 5111.028 of the Revised 37224  
Code. 37225

(11) The provider agreement is terminated or not renewed 37226  
because the provider has not billed or otherwise submitted a 37227  
medicaid claim to the department for two years or longer, and the 37228  
department has determined that the provider has moved from the 37229  
address on record with the department without leaving an active 37230  
forwarding address with the department. 37231

In the case of a provider described in division (D)~~(6)~~(11) of 37232  
this section, the department may terminate or not renew the 37233  
provider agreement by sending a notice explaining the department's 37234  
proposed action to the address on record with the department. The 37235  
notice may be sent by regular mail. 37236

(E) The department may withhold payments for services 37237

rendered by a medicaid provider under the medical assistance 37238  
program during the pendency of proceedings initiated under 37239  
division (B)(1) of this section. If the proceedings are initiated 37240  
under division (B)(2) of this section, the department may withhold 37241  
payments only to the extent that they equal amounts determined in 37242  
a final fiscal audit as being due the state. This division does 37243  
not apply if the department fails to comply with section 119.07 of 37244  
the Revised Code, requests a continuance of the hearing, or does 37245  
not issue a decision within thirty days after the hearing is 37246  
completed. This division does not apply to nursing facilities and 37247  
intermediate care facilities for the mentally retarded as defined 37248  
in section 5111.20 of the Revised Code. 37249

**Sec. 5111.084.** There is hereby established the pharmacy and 37250  
therapeutics committee of the department of job and family 37251  
services. The committee shall consist of nine members and shall be 37252  
appointed by the director of job and family services. The 37253  
membership of the committee shall include: three pharmacists 37254  
licensed under Chapter 4729. of the Revised Code; two doctors of 37255  
medicine and two doctors of osteopathy licensed under Chapter 37256  
4731. of the Revised Code; a registered nurse licensed under 37257  
Chapter 4723. of the Revised Code; and a pharmacologist who has a 37258  
doctoral degree. At least one of the members who is a doctor of 37259  
medicine or doctor of osteopathy shall be a psychiatrist. The 37260  
committee shall elect one of its members as chairperson. 37261

**Sec. 5111.085.** (A) As used in this section, "mental health 37262  
drug" means a drug that meets one of the following requirements: 37263

(1) Is classified as an antianxiety, antidepressant, 37264  
anticonvulsant, or antipsychotic central nervous system drug in 37265  
the most recent edition of one of the following publications: 37266

(a) The American psychiatric press textbook of 37267

<u>psychopharmacology;</u>	37268
<u>(b) Current clinical strategies for psychiatry;</u>	37269
<u>(c) Drug facts and comparisons;</u>	37270
<u>(d) A publication with a focus and content comparable to the</u>	37271
<u>publications described in divisions (A)(1)(a) to (c) of this</u>	37272
<u>section as determined by the director of job and family services.</u>	37273
<u>(2) Is classified in one of the publications described in</u>	37274
<u>division (A)(1) of this section as a central nervous system drug</u>	37275
<u>in a category or classification that is created after the</u>	37276
<u>effective date of this section;</u>	37277
<u>(3) Is classified in one of the publications described in</u>	37278
<u>division (A)(1) of this section as a cross-indicated drug for any</u>	37279
<u>of the central nervous system drugs specified in division (A)(1)</u>	37280
<u>or (2) of this section because the drug's use in that capacity is</u>	37281
<u>generally held to be reasonable, appropriate, and within the</u>	37282
<u>community standards of care even though the use is not included in</u>	37283
<u>the United States food and drug administration's approved labeling</u>	37284
<u>for the drug;</u>	37285
<u>(4) Is recommended for the treatment of a mental illness or</u>	37286
<u>mental disorder, as those terms are defined in the most recent</u>	37287
<u>edition of the American psychiatric association's diagnostic and</u>	37288
<u>statistical manual of mental disorders.</u>	37289
<u>(B) The only mental health drugs that may be subjected to a</u>	37290
<u>prior authorization requirement, preferred drug list, or</u>	37291
<u>therapeutic substitution requirement under the medicaid program</u>	37292
<u>are mental health drugs that are brand name and for which there</u>	37293
<u>are generic equivalents.</u>	37294
<b>Sec. 5111.10.</b> The director of job and family services may	37295
conduct reviews of the medicaid program. The reviews may include	37296
physical inspections of records and sites where medicaid-funded	37297

services are provided and interviews of providers and recipients 37298  
of the services. If the director determines pursuant to a review 37299  
that a person or government entity has violated a rule governing 37300  
the medicaid program, the director may establish a corrective 37301  
action plan for the violator and impose fiscal, administrative, or 37302  
both types of sanctions on the violator in accordance with rules 37303  
governing the medicaid program. ~~Such action to be taken against a~~ 37304  
~~responsible entity, as defined in section 5101.24 of the Revised~~ 37305  
~~Code, shall be taken in accordance with that section.~~ 37306

**Sec. 5111.101.** (A) As used in this section, ~~"federal";~~ 37307

"Agent" and "contractor" include any agent, contractor, 37308  
subcontractor, or other person who, on behalf of an entity, 37309  
furnishes or authorizes the furnishing of health care items or 37310  
services under the medicaid program, performs billing or coding 37311  
functions, or is involved in monitoring of health care that an 37312  
entity provides. 37313

"Employee" includes any officer or employee (including 37314  
management employees) of an entity. 37315

"Entity" includes a governmental entity or an organization, 37316  
unit, corporation, partnership, or other business arrangement, 37317  
including any medicaid managed care organization, irrespective of 37318  
the form of business structure or arrangement by which it exists, 37319  
whether for-profit or not-for-profit. "Entity" does not include a 37320  
government entity that administers one or more components of the 37321  
medicaid program, unless the government entity receives medicaid 37322  
payments for providing items or services. 37323

"Federal health care programs" has the same meaning as in 42 37324  
U.S.C. 1320a-7b(f). 37325

(B) Each ~~person and government~~ entity that receives or makes 37326  
~~medicaid~~ in a federal fiscal year payments in a calendar year that 37327

~~total~~ under the medicaid program, either through the state 37328  
medicaid plan or a federal medicaid waiver, totaling at least five 37329  
million dollars ~~or more~~ shall, as a condition of receiving such 37330  
payments, do all of the following not later than the first day of 37331  
the succeeding calendar year: 37332

(1) ~~Provide each of the person or government entity's~~ 37333  
Establish written policies for all of the entity's employees 37334  
~~(including management employees),~~ contractors, and agents, that 37335  
provide detailed, ~~written~~ information about the role of all of the 37336  
following in preventing and detecting fraud, waste, and abuse in 37337  
federal health care programs: 37338

(a) Federal false claims law under 31 U.S.C. 3729 to 3733; 37339

(b) Federal administrative remedies for false claims and 37340  
statements available under 31 U.S.C. 3801 to 3812; 37341

(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the 37342  
Revised Code and any other state laws pertaining to civil or 37343  
criminal penalties for false claims and statements; 37344

(d) Whistleblower protections under the laws specified in 37345  
divisions (B)(1)(a) to (c) of this section. 37346

(2) ~~Include in as part of the written information provided~~ 37347  
under policies required by division (B)(1) of this section 37348  
detailed ~~information about~~ provisions regarding the ~~person or~~ 37349  
~~government~~ entity's policies and procedures for preventing and 37350  
detecting fraud, waste, and abuse. 37351

(3) ~~Include~~ Disseminate the written policies required by 37352  
division (B)(1) of this section to each of the entity's employees, 37353  
contractors, and agents in a paper or electronic form and make the 37354  
written policies readily available to the entity's employees, 37355  
contractors, and agents. 37356

(4) If the entity has an employee handbook, include in the 37357

~~person or government~~ entity's employee handbook a specific 37358  
discussion of the laws specified in division (B)(1) of this 37359  
section, the rights of employees to be protected as 37360  
whistleblowers, and the ~~person or government~~ entity's policies and 37361  
procedures for preventing and detecting fraud, waste, and abuse. 37362

(5) Require the entity's contractors and agents to adopt the 37363  
entity's written policies required by division (B)(1) of this 37364  
section. 37365

(C) An entity that furnishes items or services at multiple 37366  
locations or under multiple contractual or other payment 37367  
arrangements is required to comply with division (B) of this 37368  
section if the entity receives in a federal fiscal year medicaid 37369  
payments totaling in the aggregate at least five million dollars. 37370  
This applies regardless of whether the entity submits claims for 37371  
medicaid payments using multiple provider identification or tax 37372  
identification numbers. 37373

**Sec. 5111.102.** As used in this section, "state agency" has 37374  
the same meaning as in section 9.23 of the Revised Code. 37375

No provision of Title LI of the Revised Code or any other law 37376  
of this state that incorporates any provision of federal Medicaid 37377  
law, Title XIX of the Social Security Act, 79 Stat. 286 (1965), 42 37378  
U.S.C. 1396, or that may be construed as requiring the state, a 37379  
state agency, or any state official or employee to comply with 37380  
that federal provision, shall be construed as creating a cause of 37381  
action to enforce such state law beyond the causes of action 37382  
available under federal law for enforcement of the provision of 37383  
federal law. 37384

**Sec. 5111.163.** (A) As used in this section: 37385

(1) "Emergency services" has the same meaning as in section 37386  
1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 37387

U.S.C. 1396u-2(b)(2), as amended. 37388

(2) "Medicaid managed care organization" has the same meaning 37389  
as in section 5111.162 of the Revised Code. 37390

(3) "Provider" ~~has the same meaning as in section 5111.06 of~~ 37391  
~~the Revised Code~~ means any person, institution, or entity that 37392  
furnishes emergency services to a medicaid recipient enrolled in a 37393  
medicaid managed care organization, regardless of whether the 37394  
person, institution, or entity has a provider agreement with the 37395  
department of job and family services pursuant to Title XIX of the 37396  
"Social Security Act." 37397

(B) When a participant in the care management system 37398  
established under section 5111.16 of the Revised Code is enrolled 37399  
in a medicaid managed care organization and receives emergency 37400  
services on or after January 1, 2007, from a provider that is not 37401  
under contract with the organization, the provider shall accept 37402  
from the organization, as payment in full, not more than the 37403  
amounts (less any payments for indirect costs of medical education 37404  
and direct costs of graduate medical education) that the provider 37405  
could collect if the participant received medicaid other than 37406  
through enrollment in a managed care organization. 37407

**Sec. 5111.165.** In the case of individuals who receive 37408  
medicaid on the basis of being included in the category identified 37409  
by the department of job and family services as covered families 37410  
and children, the department shall develop and implement a 37411  
reimbursement system based on a risk-adjusted rate structure. The 37412  
risk-adjusted reimbursement rates shall be applied individually 37413  
and shall apply starting one year after the individual enrolls in 37414  
the medicaid program. 37415

**Sec. 5111.17.** (A) The department of job and family services 37416  
may enter into contracts with managed care organizations, 37417

including health insuring corporations, under which the 37418  
organizations are authorized to provide, or arrange for the 37419  
provision of, health care services to medical assistance 37420  
recipients who are required or permitted to obtain health care 37421  
services through managed care organizations as part of the care 37422  
management system established under section 5111.16 of the Revised 37423  
Code. 37424

~~(B) The department shall develop and implement a financial 37425  
incentive program to improve and reward positive health outcomes 37426  
through the managed care organization contracts entered into under 37427  
this section. In developing and implementing the program, the 37428  
department may take into consideration the recommendations 37429  
regarding the program made by the medicaid care management working 37430  
group created under section 5111.161~~ (1) For purposes of making 37431  
payments to health insuring corporations under contract pursuant 37432  
to this section, the department shall develop, certify, and 37433  
implement actuarially sound capitation rates, as defined in 42 37434  
C.F.R. 438.6. In taking these actions, the department shall comply 37435  
with all applicable requirements of 42 C.F.R. 438.6 and Title XIX 37436  
of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 37437  
1396b(m), as amended. 37438

(2) Before the department may submit proposed capitation 37439  
rates for approval by the United States centers for medicare and 37440  
medicaid services, the department shall submit the proposed rates 37441  
to the superintendent of insurance for review. On each submission, 37442  
the superintendent shall conduct a review of the proposed rates 37443  
and provide written notice to the department of the results of the 37444  
review. 37445

(3) The department may not submit the proposed rates for 37446  
approval by the centers for medicare and medicaid services unless 37447  
the superintendent specifies in the results of the review that the 37448  
proposed rates will do none of the following with respect to the 37449

health insuring corporation that will receive payments according 37450  
to the proposed rates: 37451

(a) Negatively impact the financial solvency of the health 37452  
insuring corporation; 37453

(b) Cause a change in the health insuring corporation's RBC 37454  
levels, as defined in section 3903.81 of the Revised Code; 37455

(c) Require that an application for a certificate of 37456  
authority include the parent company's guaranty, as specified in 37457  
division (A)(27) of section 1751.03 of the Revised Code. 37458

(C) The director of job and family services may adopt rules 37459  
in accordance with Chapter 119. of the Revised Code to implement 37460  
this section. 37461

**Sec. 5111.172.** (A) When contracting under section 5111.17 of 37462  
the Revised Code with a managed care organization that is a health 37463  
insuring corporation, the department of job and family services 37464  
may require the health insuring corporation to provide coverage of 37465  
prescription drugs for medicaid recipients enrolled in the health 37466  
insuring corporation. In providing the required coverage, the 37467  
health insuring corporation may, subject to the department's 37468  
approval and the limitations provided under division (C) of this 37469  
section, use strategies for the management of drug utilization. 37470

(B) As used in this division, "controlled substance" has the 37471  
same meaning as in section 3719.01 of the Revised Code. 37472

If a health insuring corporation is required under this 37473  
section to provide coverage of prescription drugs, the department 37474  
shall permit the health insuring corporation to develop and 37475  
implement a pharmacy utilization management program under which 37476  
prior authorization through the program is established as a 37477  
condition of obtaining a controlled substance pursuant to a 37478  
prescription. The program may include processes for requiring 37479

medicaid recipients at high risk for fraud or abuse involving 37480  
controlled substances to have their prescriptions for controlled 37481  
substances filled by a pharmacy, medical provider, or health care 37482  
facility designated by the program. 37483

(C) As used in this division, "mental health drug" has the 37484  
same meaning as in section 5111.085 of the Revised Code. 37485

If a contract under section 5111.17 of the Revised Code 37486  
requires a health insuring corporation to provide prescription 37487  
drug coverage for medicaid recipients as described in division (A) 37488  
of this section, the contract shall include terms under which the 37489  
only mental health drugs that may be subjected to a prior 37490  
authorization requirement, preferred drug list, or therapeutic 37491  
substitution requirement are mental health drugs that are brand 37492  
name and for which there are generic equivalents. 37493

**Sec. 5111.20.** As used in sections 5111.20 to 5111.34 of the 37494  
Revised Code: 37495

(A) "Allowable costs" are those costs determined by the 37496  
department of job and family services to be reasonable and do not 37497  
include fines paid under sections 5111.35 to 5111.61 and section 37498  
5111.99 of the Revised Code. 37499

(B) "Ancillary and support costs" means all reasonable costs 37500  
incurred by a nursing facility other than direct care costs or 37501  
capital costs. "Ancillary and support costs" includes, but is not 37502  
limited to, costs of activities, social services, pharmacy 37503  
consultants, habilitation supervisors, qualified mental 37504  
retardation professionals, program directors, medical and 37505  
habilitation records, program supplies, incontinence supplies, 37506  
food, enterals, dietary supplies and personnel, laundry, 37507  
housekeeping, security, administration, medical equipment, 37508  
utilities, liability insurance, bookkeeping, purchasing 37509  
department, human resources, communications, travel, dues, license 37510

fees, subscriptions, home office costs not otherwise allocated, 37511  
legal services, accounting services, minor equipment, maintenance 37512  
and repairs, help-wanted advertising, informational advertising, 37513  
start-up costs, organizational expenses, other interest, property 37514  
insurance, employee training and staff development, employee 37515  
benefits, payroll taxes, and workers' compensation premiums or 37516  
costs for self-insurance claims and related costs as specified in 37517  
rules adopted by the director of job and family services under 37518  
section 5111.02 of the Revised Code, for personnel listed in this 37519  
division. "Ancillary and support costs" also means the cost of 37520  
equipment, including vehicles, acquired by operating lease 37521  
executed before December 1, 1992, if the costs are reported as 37522  
administrative and general costs on the facility's cost report for 37523  
the cost reporting period ending December 31, 1992. 37524

(C) "Capital costs" means costs of ownership and, in the case 37525  
of an intermediate care facility for the mentally retarded, costs 37526  
of nonextensive renovation. 37527

(1) "Cost of ownership" means the actual expense incurred for 37528  
all of the following: 37529

(a) Depreciation and interest on any capital assets that cost 37530  
five hundred dollars or more per item, including the following: 37531

(i) Buildings; 37532

(ii) Building improvements that are not approved as 37533  
nonextensive renovations under section 5111.251 of the Revised 37534  
Code; 37535

(iii) Except as provided in division (B) of this section, 37536  
equipment; 37537

(iv) In the case of an intermediate care facility for the 37538  
mentally retarded, extensive renovations; 37539

(v) Transportation equipment. 37540

(b) Amortization and interest on land improvements and leasehold improvements;	37541 37542
(c) Amortization of financing costs;	37543
(d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment.	37544 37545
The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.	37546 37547 37548
(2) "Costs of nonextensive renovation" means the actual expense incurred by an intermediate care facility for the mentally retarded for depreciation or amortization and interest on renovations that are not extensive renovations.	37549 37550 37551 37552
(D) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	37553 37554
(E) "Case-mix score" means the measure determined under section 5111.232 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a resident of a nursing facility or intermediate care facility for the mentally retarded.	37555 37556 37557 37558 37559
(F)(1) "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.	37560 37561 37562 37563 37564 37565 37566 37567 37568 37569
<del>(1)</del> If nursing home beds licensed under Chapter 3721. of the	37570

Revised Code or residential facility beds licensed under section 37571  
5123.19 of the Revised Code were not required by law to be 37572  
licensed when they were originally used to provide nursing home or 37573  
residential facility services, "date of licensure" means the date 37574  
the beds first were used to provide nursing home or residential 37575  
facility services, regardless of the date the present provider 37576  
obtained licensure. 37577

(2) If a facility adds nursing home beds or residential 37578  
facility beds or extensively renovates all or part of the facility 37579  
after its original date of licensure, it will have a different 37580  
date of licensure for the additional beds or extensively renovated 37581  
portion of the facility, unless the beds are added in a space that 37582  
was constructed at the same time as the previously licensed beds 37583  
but was not licensed under Chapter 3721. or section 5123.19 of the 37584  
Revised Code at that time. 37585

(2) The definition of "date of licensure" in this section 37586  
applies in determinations of the medicaid reimbursement rate for a 37587  
nursing facility or intermediate care facility for the mentally 37588  
retarded but does not apply in determinations of the franchise 37589  
permit fee for a nursing facility or intermediate care facility 37590  
for the mentally retarded. 37591

(G) "Desk-reviewed" means that costs as reported on a cost 37592  
report submitted under section 5111.26 of the Revised Code have 37593  
been subjected to a desk review under division (A) of section 37594  
5111.27 of the Revised Code and preliminarily determined to be 37595  
allowable costs. 37596

(H) "Direct care costs" means all of the following: 37597

(1)(a) Costs for registered nurses, licensed practical 37598  
nurses, and nurse aides employed by the facility; 37599

(b) Costs for direct care staff, administrative nursing 37600  
staff, medical directors, respiratory therapists, and except as 37601

provided in division (H)(2) of this section, other persons holding	37602
degrees qualifying them to provide therapy;	37603
(c) Costs of purchased nursing services;	37604
(d) Costs of quality assurance;	37605
(e) Costs of training and staff development, employee	37606
benefits, payroll taxes, and workers' compensation premiums or	37607
costs for self-insurance claims and related costs as specified in	37608
rules adopted by the director of job and family services in	37609
accordance with Chapter 119. of the Revised Code, for personnel	37610
listed in divisions (H)(1)(a), (b), and (d) of this section;	37611
(f) Costs of consulting and management fees related to direct	37612
care;	37613
(g) Allocated direct care home office costs.	37614
(2) In addition to the costs specified in division (H)(1) of	37615
this section, for nursing facilities only, direct care costs	37616
include costs of habilitation staff (other than habilitation	37617
supervisors), medical supplies, emergency oxygen, habilitation	37618
supplies, and universal precautions supplies.	37619
(3) In addition to the costs specified in division (H)(1) of	37620
this section, for intermediate care facilities for the mentally	37621
retarded only, direct care costs include both of the following:	37622
(a) Costs for physical therapists and physical therapy	37623
assistants, occupational therapists and occupational therapy	37624
assistants, speech therapists, audiologists, habilitation staff	37625
(including habilitation supervisors), qualified mental retardation	37626
professionals, program directors, social services staff,	37627
activities staff, <u>off-site day programming</u> , psychologists and	37628
psychology assistants, and social workers and counselors;	37629
(b) Costs of training and staff development, employee	37630
benefits, payroll taxes, and workers' compensation premiums or	37631

costs for self-insurance claims and related costs as specified in 37632  
rules adopted under section 5111.02 of the Revised Code, for 37633  
personnel listed in division (H)(3)(a) of this section. 37634

(4) Costs of other direct-care resources that are specified 37635  
as direct care costs in rules adopted under section 5111.02 of the 37636  
Revised Code. 37637

(I) "Fiscal year" means the fiscal year of this state, as 37638  
specified in section 9.34 of the Revised Code. 37639

(J) "Franchise permit fee" means the following: 37640

(1) In the context of nursing facilities, the fee imposed by 37641  
sections 3721.50 to 3721.58 of the Revised Code; 37642

(2) In the context of intermediate care facilities for the 37643  
mentally retarded, the fee imposed by sections 5112.30 to 5112.39 37644  
of the Revised Code. 37645

(K) "Indirect care costs" means all reasonable costs incurred 37646  
by an intermediate care facility for the mentally retarded other 37647  
than direct care costs, other protected costs, or capital costs. 37648  
"Indirect care costs" includes but is not limited to costs of 37649  
habilitation supplies, pharmacy consultants, medical and 37650  
habilitation records, program supplies, incontinence supplies, 37651  
food, enterals, dietary supplies and personnel, laundry, 37652  
housekeeping, security, administration, liability insurance, 37653  
bookkeeping, purchasing department, human resources, 37654  
communications, travel, dues, license fees, subscriptions, home 37655  
office costs not otherwise allocated, legal services, accounting 37656  
services, minor equipment, maintenance and repairs, help-wanted 37657  
advertising, informational advertising, start-up costs, 37658  
organizational expenses, other interest, property insurance, 37659  
employee training and staff development, employee benefits, 37660  
payroll taxes, and workers' compensation premiums or costs for 37661  
self-insurance claims and related costs as specified in rules 37662

adopted under section 5111.02 of the Revised Code, for personnel 37663  
listed in this division. Notwithstanding division (C)(1) of this 37664  
section, "indirect care costs" also means the cost of equipment, 37665  
including vehicles, acquired by operating lease executed before 37666  
December 1, 1992, if the costs are reported as administrative and 37667  
general costs on the facility's cost report for the cost reporting 37668  
period ending December 31, 1992. 37669

(L) "Inpatient days" means all days during which a resident, 37670  
regardless of payment source, occupies a bed in a nursing facility 37671  
or intermediate care facility for the mentally retarded that is 37672  
included in the facility's certified capacity under Title XIX. 37673  
Therapeutic or hospital leave days for which payment is made under 37674  
section 5111.33 of the Revised Code are considered inpatient days 37675  
proportionate to the percentage of the facility's per resident per 37676  
day rate paid for those days. 37677

(M) "Intermediate care facility for the mentally retarded" 37678  
means an intermediate care facility for the mentally retarded 37679  
certified as in compliance with applicable standards for the 37680  
medicaid program by the director of health in accordance with 37681  
Title XIX. 37682

(N) "Maintenance and repair expenses" means, except as 37683  
provided in division (BB)(2) of this section, expenditures that 37684  
are necessary and proper to maintain an asset in a normally 37685  
efficient working condition and that do not extend the useful life 37686  
of the asset two years or more. "Maintenance and repair expenses" 37687  
includes but is not limited to the cost of ordinary repairs such 37688  
as painting and wallpapering. 37689

(O) "Medicaid days" means all days during which a resident 37690  
who is a Medicaid recipient eligible for nursing facility services 37691  
occupies a bed in a nursing facility that is included in the 37692  
nursing facility's certified capacity under Title XIX. Therapeutic 37693  
or hospital leave days for which payment is made under section 37694

5111.33 of the Revised Code are considered Medicaid days 37695  
proportionate to the percentage of the nursing facility's per 37696  
resident per day rate paid for those days. 37697

(P) "Nursing facility" means a facility, or a distinct part 37698  
of a facility, that is certified as a nursing facility by the 37699  
director of health in accordance with Title XIX and is not an 37700  
intermediate care facility for the mentally retarded. "Nursing 37701  
facility" includes a facility, or a distinct part of a facility, 37702  
that is certified as a nursing facility by the director of health 37703  
in accordance with Title XIX and is certified as a skilled nursing 37704  
facility by the director in accordance with Title XVIII. 37705

(Q) "Operator" means the person or government entity 37706  
responsible for the daily operating and management decisions for a 37707  
nursing facility or intermediate care facility for the mentally 37708  
retarded. 37709

(R) "Other protected costs" means costs incurred by an 37710  
intermediate care facility for the mentally retarded for medical 37711  
supplies; real estate, franchise, and property taxes; natural gas, 37712  
fuel oil, water, electricity, sewage, and refuse and hazardous 37713  
medical waste collection; allocated other protected home office 37714  
costs; and any additional costs defined as other protected costs 37715  
in rules adopted under section 5111.02 of the Revised Code. 37716

(S)(1) "Owner" means any person or government entity that has 37717  
at least five per cent ownership or interest, either directly, 37718  
indirectly, or in any combination, in any of the following 37719  
regarding a nursing facility or intermediate care facility for the 37720  
mentally retarded: 37721

(a) The land on which the facility is located; 37722

(b) The structure in which the facility is located; 37723

(c) Any mortgage, contract for deed, or other obligation 37724  
secured in whole or in part by the land or structure on or in 37725

which the facility is located;	37726
(d) Any lease or sublease of the land or structure on or in which the facility is located.	37727 37728
(2) "Owner" does not mean a holder of a debenture or bond related to the nursing facility or intermediate care facility for the mentally retarded and purchased at public issue or a regulated lender that has made a loan related to the facility unless the holder or lender operates the facility directly or through a subsidiary.	37729 37730 37731 37732 37733 37734
(T) "Patient" includes "resident."	37735
(U) Except as provided in divisions (U)(1) and (2) of this section, "per diem" means a nursing facility's or intermediate care facility for the mentally retarded's actual, allowable costs in a given cost center in a cost reporting period, divided by the facility's inpatient days for that cost reporting period.	37736 37737 37738 37739 37740
(1) When calculating indirect care costs for the purpose of establishing rates under section 5111.241 of the Revised Code, "per diem" means an intermediate care facility for the mentally retarded's actual, allowable indirect care costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been eighty-five per cent.	37741 37742 37743 37744 37745 37746 37747 37748
(2) When calculating capital costs for the purpose of establishing rates under section 5111.251 of the Revised Code, "per diem" means a facility's actual, allowable capital costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety-five per cent.	37749 37750 37751 37752 37753 37754 37755
(V) "Provider" means an operator with a provider agreement.	37756

(W) "Provider agreement" means a contract between the 37757  
department of job and family services and the operator of a 37758  
nursing facility or intermediate care facility for the mentally 37759  
retarded for the provision of nursing facility services or 37760  
intermediate care facility services for the mentally retarded 37761  
under the medicaid program. 37762

(X) "Purchased nursing services" means services that are 37763  
provided in a nursing facility by registered nurses, licensed 37764  
practical nurses, or nurse aides who are not employees of the 37765  
facility. 37766

(Y) "Reasonable" means that a cost is an actual cost that is 37767  
appropriate and helpful to develop and maintain the operation of 37768  
patient care facilities and activities, including normal standby 37769  
costs, and that does not exceed what a prudent buyer pays for a 37770  
given item or services. Reasonable costs may vary from provider to 37771  
provider and from time to time for the same provider. 37772

(Z) "Related party" means an individual or organization that, 37773  
to a significant extent, has common ownership with, is associated 37774  
or affiliated with, has control of, or is controlled by, the 37775  
provider. 37776

(1) An individual who is a relative of an owner is a related 37777  
party. 37778

(2) Common ownership exists when an individual or individuals 37779  
possess significant ownership or equity in both the provider and 37780  
the other organization. Significant ownership or equity exists 37781  
when an individual or individuals possess five per cent ownership 37782  
or equity in both the provider and a supplier. Significant 37783  
ownership or equity is presumed to exist when an individual or 37784  
individuals possess ten per cent ownership or equity in both the 37785  
provider and another organization from which the provider 37786  
purchases or leases real property. 37787

(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.

(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:

(a) The supplier is a separate bona fide organization.

(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.

(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.

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

(AA) "Relative of owner" means an individual who is related to an owner of a nursing facility or intermediate care facility for the mentally retarded by one of the following relationships:

(1) Spouse;

(2) Natural parent, child, or sibling;

(3) Adopted parent, child, or sibling;

(4) Stepparent, stepchild, stepbrother, or stepsister;

(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;

(6) Grandparent or grandchild;	37817
(7) Foster caregiver, foster child, foster brother, or foster sister.	37818 37819
(BB) "Renovation" and "extensive renovation" mean:	37820
(1) Any betterment, improvement, or restoration of an intermediate care facility for the mentally retarded started before July 1, 1993, that meets the definition of a renovation or extensive renovation established in rules adopted by the director of job and family services in effect on December 22, 1992.	37821 37822 37823 37824 37825
(2) In the case of betterments, improvements, and restorations of intermediate care facilities for the mentally retarded started on or after July 1, 1993:	37826 37827 37828
(a) "Renovation" means the betterment, improvement, or restoration of an intermediate care facility for the mentally retarded beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed. A renovation may include betterment, improvement, restoration, or replacement of assets that are affixed to the building and have a useful life of at least five years. A renovation may include costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project. "Renovation" does not mean construction of additional space for beds that will be added to a facility's licensed or certified capacity.	37829 37830 37831 37832 37833 37834 37835 37836 37837 37838 37839 37840 37841
(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.	37842 37843 37844 37845
For the purposes of division (BB)(2) of this section, the cost of constructing a new bed shall be considered to be forty	37846 37847

thousand dollars, adjusted for the estimated rate of inflation 37848  
from January 1, 1993, to the end of the calendar year during which 37849  
the renovation is completed, using the consumer price index for 37850  
shelter costs for all urban consumers for the north central 37851  
region, as published by the United States bureau of labor 37852  
statistics. 37853

The department of job and family services may treat a 37854  
renovation that costs more than eighty-five per cent of the cost 37855  
of constructing new beds as an extensive renovation if the 37856  
department determines that the renovation is more prudent than 37857  
construction of new beds. 37858

(CC) "Title XIX" means Title XIX of the "Social Security 37859  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 37860

(DD) "Title XVIII" means Title XVIII of the "Social Security 37861  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 37862

Sec. 5111.84. The director of job and family services may not 37863  
submit a request to the United States secretary of health and 37864  
human services for a medicaid waiver under section 1115 of the 37865  
"Social Security Act of 1935," 42 U.S.C. 1315, unless the director 37866  
provides the speaker of the house of representatives and president 37867  
of the senate written notice of director's intent to submit the 37868  
request at least ten days before the date the director submits the 37869  
request to the United States secretary. The notice shall include a 37870  
detailed explanation of the medicaid waiver the director proposes 37871  
to seek. 37872

Sec. 5111.861. (A) "Home and community-based services 37873  
medicaid waiver component" has the same meaning as in section 37874  
5111.851 of the Revised Code. 37875

(B) The director shall submit a request to the United States 37876  
secretary of health and human services to approve amendments to 37877

one or more home and community-based services medicaid waiver 37878  
components to do one or more of the following: 37879

(1) Allow a participant receiving services under a component 37880  
to retain eligibility for those services while participating in 37881  
the medicaid buy-in program established under section 5111.0119 of 37882  
the Revised Code. 37883

(2) Make changes to one or more components so that the 37884  
component or components contains one or more features of the 37885  
medicaid buy-in program established under section 5111.0119 of the 37886  
Revised Code. 37887

**Sec. 5111.871.** The department of job and family services 37888  
shall enter into a contract with the department of mental 37889  
retardation and developmental disabilities under section 5111.91 37890  
of the Revised Code with regard to one or more of the components 37891  
of the medicaid program established by the department of job and 37892  
family services under one or more of the medicaid waivers sought 37893  
under section 5111.87 of the Revised Code. The contract shall 37894  
provide for the department of mental retardation and developmental 37895  
disabilities to administer the components in accordance with the 37896  
terms of the waivers. The directors of job and family services and 37897  
mental retardation and developmental disabilities shall adopt 37898  
rules in accordance with Chapter 119. of the Revised Code 37899  
governing the components. 37900

If the department of mental retardation and developmental 37901  
disabilities or the department of job and family services denies 37902  
an individual's application for home and community-based services 37903  
provided under any of these medicaid components, the department 37904  
that denied the services shall give timely notice to the 37905  
individual that the individual may request a hearing under section 37906  
5101.35 of the Revised Code. 37907

The departments of mental retardation and developmental 37908

disabilities and job and family services may approve, reduce, 37909  
deny, or terminate a service included in the individualized 37910  
service plan developed for a medicaid recipient eligible for home 37911  
and community-based services provided under any of these medicaid 37912  
components. The departments shall consider the recommendations a 37913  
county board of mental retardation and developmental disabilities 37914  
makes under division (A)(1)(c) of section 5126.055 of the Revised 37915  
Code. If either department approves, reduces, denies, or 37916  
terminates a service, that department shall give timely notice to 37917  
the medicaid recipient that the recipient may request a hearing 37918  
under section 5101.35 of the Revised Code. 37919

If supported living ~~or residential services~~, as defined in 37920  
section 5126.01 of the Revised Code, ~~are~~ is to be provided as a 37921  
service under any of these components, any person or government 37922  
entity with a current, valid medicaid provider agreement and a 37923  
current, valid ~~license under section 5123.19 or~~ certificate under 37924  
section ~~5123.16 or 5126.431~~ 5123.161 of the Revised Code may 37925  
provide the ~~services~~ service. 37926

If a service is to be provided under any of these components 37927  
by a residential facility, as defined in section 5123.19 of the 37928  
Revised Code, any person or government entity with a current, 37929  
valid medicaid provider agreement and a current, valid license 37930  
under section 5123.19 of the Revised Code may provide the service. 37931

**Sec. 5111.8814.** An intermediate care facility for the 37932  
mentally retarded that converts in whole to providing home and 37933  
community-based services under the ICF/MR conversion pilot program 37934  
shall either be licensed as a residential facility under section 37935  
5123.19 of the Revised Code or certified to provide supported 37936  
living under section ~~5126.431~~ 5123.161 of the Revised Code. If an 37937  
intermediate care facility for the mentally retarded converts in 37938  
part to providing such home and community-based services, the 37939

distinct part of the facility that provides the home and 37940  
community-based services shall either be licensed as a residential 37941  
facility under section 5123.19 of the Revised Code or certified to 37942  
provide supported living under section ~~5126.431~~ 5123.161 of the 37943  
Revised Code. The facility or distinct part of the facility shall 37944  
be licensed as a residential facility rather than certified to 37945  
provide supported living if it meets the definition of 37946  
"residential facility" in section 5123.19 of the Revised Code. 37947

**Sec. 5111.891.** To be eligible for the assisted living 37948  
program, an individual must meet all of the following 37949  
requirements: 37950

(A) Need an intermediate level of care as determined under 37951  
rule 5101:3-3-06 of the Administrative Code; 37952

(B) At the time the individual applies for the assisted 37953  
living program, be one of the following: 37954

(1) A nursing facility resident who is seeking to move to a 37955  
residential care facility and would remain in a nursing facility 37956  
for long term care if not for the assisted living program; 37957

(2) A participant of any of the following medicaid waiver 37958  
components who would move to a nursing facility if not for the 37959  
assisted living program: 37960

(a) The PASSPORT program created under section 173.40 of the 37961  
Revised Code; 37962

(b) The medicaid waiver component called the choices program 37963  
that the department of aging administers; 37964

(c) A medicaid waiver component that the department of job 37965  
and family services administers. 37966

(3) A resident of a residential care facility who has resided 37967  
in a residential care facility for at least six months immediately 37968  
before the date the individual applies for the assisted living 37969

<u>program.</u>	37970
(C) At the time the individual receives assisted living services under the assisted living program, reside in a residential care facility, including both of the following:	37971 37972 37973
(1) A residential care facility that is owned or operated by a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility;	37974 37975 37976 37977 37978
(2) A county or district home licensed as a residential care facility.	37979 37980
(D) Meet all other eligibility requirements for the assisted living program established in rules adopted under section 5111.85 of the Revised Code.	37981 37982 37983
<b>Sec. 5112.341.</b> (A) In addition to assessing a penalty pursuant to section 5112.34 of the Revised Code, the department of job and family services may do either <u>or both</u> of the following if an intermediate care facility for the mentally retarded fails to pay the full amount of a franchise permit fee installment when due:	37984 37985 37986 37987 37988 37989
(1) <del>Withhold</del> <u>Offset</u> an amount <u>less than or</u> equal to the installment and penalty assessed under section 5112.34 of the Revised Code from a medicaid payment due the facility <del>until the facility pays the installment and penalty;</del>	37990 37991 37992 37993
(2) Terminate the facility's medicaid provider agreement.	37994
(B) The department may <del>withhold</del> <u>offset</u> a medicaid payment under division (A)(1) of this section without providing notice to the intermediate care facility for the mentally retarded and without conducting an adjudication under Chapter 119. of the Revised Code.	37995 37996 37997 37998 37999

Sec. 5115.12. (A) The director of job and family services 38000  
shall adopt rules in accordance with section 111.15 of the Revised 38001  
Code governing the disability medical assistance program. The 38002  
rules may establish or specify any or all of the following: 38003

(1) Income, resource, citizenship, age, residence, living 38004  
arrangement, and other eligibility requirements; 38005

(2) Health services to be included in the program; 38006

(3) The maximum authorized amount, scope, duration, or limit 38007  
of payment for services; 38008

(4) Limits on the length of time an individual may receive 38009  
disability medical assistance; 38010

(5) Limits on the total number of individuals in the state 38011  
who may receive disability medical assistance; 38012

(6) Limits on the number and types of providers eligible to 38013  
be reimbursed for services provided to individuals enrolled in the 38014  
program. 38015

(B) For purposes of limiting the cost of the disability 38016  
medical assistance program, the director may do either of the 38017  
following: 38018

(1) Adopt rules in accordance with section 111.15 of the 38019  
Revised Code that revise the program's eligibility requirements; 38020  
the maximum authorized amount, scope, duration, or limit of 38021  
payment for services included in the program; or any other 38022  
requirement or standard established or specified by rules adopted 38023  
under division (A) of this section or under section 5115.10 of the 38024  
Revised Code; 38025

(2) Suspend acceptance of applications for disability medical 38026  
assistance. While a suspension is in effect, no person shall 38027  
receive a determination or redetermination of eligibility for 38028  
disability medical assistance unless the person was receiving the 38029

assistance during the month immediately preceding the suspension's 38030  
effective date or the person submitted an application prior to the 38031  
suspension's effective date and receives a determination of 38032  
eligibility based on that application. The director may adopt 38033  
rules in accordance with section 111.15 of the Revised Code 38034  
establishing requirements and specifying procedures applicable to 38035  
the suspension of acceptance of applications. 38036

**Sec. 5119.611.** (A) A community mental health agency that 38037  
seeks certification of its community mental health services shall 38038  
submit an application to the director of mental health. On receipt 38039  
of the application, the director may visit and shall evaluate the 38040  
agency to determine whether its services satisfy the standards 38041  
established by rules adopted under division ~~(D)~~(C) of this 38042  
section. The director shall make the evaluation, and, if the 38043  
director visits the agency, shall make the visit, in cooperation 38044  
with the board of alcohol, drug addiction, and mental health 38045  
services with which the agency seeks to contract under division 38046  
(A)(8)(a) of section 340.03 of the Revised Code. 38047

~~Subject to divisions (B) and (C) of this section~~ If the 38048  
director determines that a community mental health agency's 38049  
services satisfy the standards and the agency has paid the fee 38050  
required under division (B) of this section, the director shall 38051  
certify ~~a community mental health agency's~~ the services ~~that the~~ 38052  
~~director determines satisfy the standards.~~ 38053

If the director determines that a community mental health 38054  
agency's services do not satisfy the standards, the director shall 38055  
identify the areas of noncompliance, specify what action is 38056  
necessary to satisfy the standards, and offer technical assistance 38057  
to the board of alcohol, drug addiction, and mental health 38058  
services so that the board may assist the agency in satisfying the 38059  
standards. The director shall give the agency a reasonable time 38060

within which to demonstrate that its services satisfy the 38061  
standards or to bring the services into compliance with the 38062  
standards. If the director concludes that the services continue to 38063  
fail to satisfy the standards, the director may request that the 38064  
board reallocate the funds for the community mental health 38065  
services the agency was to provide to another community mental 38066  
health agency whose community mental health services satisfy the 38067  
standards. If the board does not reallocate those funds in a 38068  
reasonable period of time, the director may withhold state and 38069  
federal funds for the community mental health services and 38070  
allocate those funds directly to a community mental health agency 38071  
whose community mental health services satisfy the standards. 38072

(B) Each community mental health agency seeking certification 38073  
of its community mental health services under this section shall 38074  
pay a fee for the certification review required by this section. 38075  
Fees shall be paid into the sale of goods and services fund 38076  
created pursuant to section 5119.161 of the Revised Code. 38077

~~(C) The director may certify a community mental health 38078  
service only if the service is for individuals whose focus of 38079  
treatment is a mental disorder according to the edition of the 38080  
American psychiatric association's diagnostic and statistical 38081  
manual of mental disorders that is current at the time the 38082  
director issues the certification, including such services for 38083  
individuals who have a mental disorder and a co-occurring 38084  
substance use disorder, substance induced disorder, chronic 38085  
dementing organic mental disorder, mental retardation, or 38086  
developmental disability. The director may not certify a service 38087  
that is for individuals whose focus of treatment is solely a 38088  
substance use disorder, substance induced disorder, chronic 38089  
dementing organic mental disorder, mental retardation, or 38090  
developmental disability. 38091~~

~~(D)~~ The director shall adopt rules in accordance with Chapter 38092

119. of the Revised Code to implement this section. The rules	38093
shall do all of the following:	38094
(1) Establish certification standards for community mental	38095
health services, including assertive community treatment and	38096
intensive home-based mental health services, that are consistent	38097
with nationally recognized applicable standards and facilitate	38098
participation in federal assistance programs. The rules shall	38099
include as certification standards only requirements that improve	38100
the quality of services or the health and safety of clients of	38101
community mental health services. The standards shall address at a	38102
minimum all of the following:	38103
(a) Reporting major unusual incidents to the director;	38104
(b) Procedures for applicants for and clients of community	38105
mental health services to file grievances and complaints;	38106
(c) Seclusion;	38107
(d) Restraint;	38108
(e) Development of written policies addressing the rights of	38109
clients, including all of the following:	38110
(i) The right to a copy of the written policies addressing	38111
client rights;	38112
(ii) The right at all times to be treated with consideration	38113
and respect for the client's privacy and dignity;	38114
(iii) The right to have access to the client's own	38115
psychiatric, medical, or other treatment records unless access is	38116
specifically restricted in the client's treatment plan for clear	38117
treatment reasons;	38118
(iv) The right to have a client rights officer provided by	38119
the agency or board of alcohol, drug addiction, and mental health	38120
services advise the client of the client's rights, including the	38121
client's rights under Chapter 5122. of the Revised Code if the	38122

client is committed to the agency or board.	38123
(2) Establish standards for qualifications of mental health professionals as defined in section 340.02 of the Revised Code and personnel who provide the community mental health services;	38124 38125 38126
(3) Establish the process for certification of community mental health services;	38127 38128
(4) Set the amount of certification review fees based on a portion of the cost of performing the review;	38129 38130
(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.	38131 38132
<b>Sec. 5123.01.</b> As used in this chapter:	38133
(A) "Chief medical officer" means the licensed physician appointed by the managing officer of an institution for the mentally retarded with the approval of the director of mental retardation and developmental disabilities to provide medical treatment for residents of the institution.	38134 38135 38136 38137 38138
(B) "Chief program director" means a person with special training and experience in the diagnosis and management of the mentally retarded, certified according to division (C) of this section in at least one of the designated fields, and appointed by the managing officer of an institution for the mentally retarded with the approval of the director to provide habilitation and care for residents of the institution.	38139 38140 38141 38142 38143 38144 38145
(C) "Comprehensive evaluation" means a study, including a sequence of observations and examinations, of a person leading to conclusions and recommendations formulated jointly, with dissenting opinions if any, by a group of persons with special training and experience in the diagnosis and management of persons with mental retardation or a developmental disability, which group shall include individuals who are professionally qualified in the	38146 38147 38148 38149 38150 38151 38152

fields of medicine, psychology, and social work, together with 38153  
such other specialists as the individual case may require. 38154

(D) "Education" means the process of formal training and 38155  
instruction to facilitate the intellectual and emotional 38156  
development of residents. 38157

(E) "Habilitation" means the process by which the staff of 38158  
the institution assists the resident in acquiring and maintaining 38159  
those life skills that enable the resident to cope more 38160  
effectively with the demands of the resident's own person and of 38161  
the resident's environment and in raising the level of the 38162  
resident's physical, mental, social, and vocational efficiency. 38163  
Habilitation includes but is not limited to programs of formal, 38164  
structured education and training. 38165

(F) "Health officer" means any public health physician, 38166  
public health nurse, or other person authorized or designated by a 38167  
city or general health district. 38168

(G) "Home and community-based services" means medicaid-funded 38169  
home and community-based services specified in division (B)(1) of 38170  
section 5111.87 of the Revised Code provided under the medicaid 38171  
waiver components the department of mental retardation and 38172  
developmental disabilities administers pursuant to section 38173  
5111.871 of the Revised Code. 38174

(H) "Indigent person" means a person who is unable, without 38175  
substantial financial hardship, to provide for the payment of an 38176  
attorney and for other necessary expenses of legal representation, 38177  
including expert testimony. 38178

(I) "Institution" means a public or private facility, or a 38179  
part of a public or private facility, that is licensed by the 38180  
appropriate state department and is equipped to provide 38181  
residential habilitation, care, and treatment for the mentally 38182  
retarded. 38183

(J) "Licensed physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine and surgery or osteopathic medicine and surgery, or a medical officer of the government of the United States while in the performance of the officer's official duties.

(K) "Managing officer" means a person who is appointed by the director of mental retardation and developmental disabilities to be in executive control of an institution for the mentally retarded under the jurisdiction of the department.

(L) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

(M) "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires.

(N) "Mentally retarded person" means a person having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

(O) "Mentally retarded person subject to institutionalization by court order" means a person eighteen years of age or older who is at least moderately mentally retarded and in relation to whom, because of the person's retardation, either of the following conditions exist:

(1) The person represents a very substantial risk of physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's most basic physical needs and that provision for those needs is not available in the community;

(2) The person needs and is susceptible to significant

habilitation in an institution. 38215

(P) "A person who is at least moderately mentally retarded" 38216  
means a person who is found, following a comprehensive evaluation, 38217  
to be impaired in adaptive behavior to a moderate degree and to be 38218  
functioning at the moderate level of intellectual functioning in 38219  
accordance with standard measurements as recorded in the most 38220  
current revision of the manual of terminology and classification 38221  
in mental retardation published by the American association on 38222  
mental retardation. 38223

(Q) As used in this division, "substantial functional 38224  
limitation," "developmental delay," and "established risk" have 38225  
the meanings established pursuant to section 5123.011 of the 38226  
Revised Code. 38227

"Developmental disability" means a severe, chronic disability 38228  
that is characterized by all of the following: 38229

(1) It is attributable to a mental or physical impairment or 38230  
a combination of mental and physical impairments, other than a 38231  
mental or physical impairment solely caused by mental illness as 38232  
defined in division (A) of section 5122.01 of the Revised Code. 38233

(2) It is manifested before age twenty-two. 38234

(3) It is likely to continue indefinitely. 38235

(4) It results in one of the following: 38236

(a) In the case of a person under three years of age, at 38237  
least one developmental delay or an established risk; 38238

(b) In the case of a person at least three years of age but 38239  
under six years of age, at least two developmental delays or an 38240  
established risk; 38241

(c) In the case of a person six years of age or older, a 38242  
substantial functional limitation in at least three of the 38243  
following areas of major life activity, as appropriate for the 38244

person's age: self-care, receptive and expressive language, 38245  
learning, mobility, self-direction, capacity for independent 38246  
living, and, if the person is at least sixteen years of age, 38247  
capacity for economic self-sufficiency. 38248

(5) It causes the person to need a combination and sequence 38249  
of special, interdisciplinary, or other type of care, treatment, 38250  
or provision of services for an extended period of time that is 38251  
individually planned and coordinated for the person. 38252

(R) "Developmentally disabled person" means a person with a 38253  
developmental disability. 38254

(S) "State institution" means an institution that is 38255  
tax-supported and under the jurisdiction of the department. 38256

(T) "Residence" and "legal residence" have the same meaning 38257  
as "legal settlement," which is acquired by residing in Ohio for a 38258  
period of one year without receiving general assistance prior to 38259  
July 17, 1995, under former Chapter 5113. of the Revised Code, 38260  
financial assistance under Chapter 5115. of the Revised Code, or 38261  
assistance from a private agency that maintains records of 38262  
assistance given. A person having a legal settlement in the state 38263  
shall be considered as having legal settlement in the assistance 38264  
area in which the person resides. No adult person coming into this 38265  
state and having a spouse or minor children residing in another 38266  
state shall obtain a legal settlement in this state as long as the 38267  
spouse or minor children are receiving public assistance, care, or 38268  
support at the expense of the other state or its subdivisions. For 38269  
the purpose of determining the legal settlement of a person who is 38270  
living in a public or private institution or in a home subject to 38271  
licensing by the department of job and family services, the 38272  
department of mental health, or the department of mental 38273  
retardation and developmental disabilities, the residence of the 38274  
person shall be considered as though the person were residing in 38275  
the county in which the person was living prior to the person's 38276

entrance into the institution or home. Settlement once acquired 38277  
shall continue until a person has been continuously absent from 38278  
Ohio for a period of one year or has acquired a legal residence in 38279  
another state. A woman who marries a man with legal settlement in 38280  
any county immediately acquires the settlement of her husband. The 38281  
legal settlement of a minor is that of the parents, surviving 38282  
parent, sole parent, parent who is designated the residential 38283  
parent and legal custodian by a court, other adult having 38284  
permanent custody awarded by a court, or guardian of the person of 38285  
the minor, provided that: 38286

(1) A minor female who marries shall be considered to have 38287  
the legal settlement of her husband and, in the case of death of 38288  
her husband or divorce, she shall not thereby lose her legal 38289  
settlement obtained by the marriage. 38290

(2) A minor male who marries, establishes a home, and who has 38291  
resided in this state for one year without receiving general 38292  
assistance prior to July 17, 1995, under former Chapter 5113. of 38293  
the Revised Code, financial assistance under Chapter 5115. of the 38294  
Revised Code, or assistance from a private agency that maintains 38295  
records of assistance given shall be considered to have obtained a 38296  
legal settlement in this state. 38297

(3) The legal settlement of a child under eighteen years of 38298  
age who is in the care or custody of a public or private child 38299  
caring agency shall not change if the legal settlement of the 38300  
parent changes until after the child has been in the home of the 38301  
parent for a period of one year. 38302

No person, adult or minor, may establish a legal settlement 38303  
in this state for the purpose of gaining admission to any state 38304  
institution. 38305

(U)(1) "Resident" means, subject to division (R)(2) of this 38306  
section, a person who is admitted either voluntarily or 38307

involuntarily to an institution or other facility pursuant to 38308  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 38309  
Code subsequent to a finding of not guilty by reason of insanity 38310  
or incompetence to stand trial or under this chapter who is under 38311  
observation or receiving habilitation and care in an institution. 38312

(2) "Resident" does not include a person admitted to an 38313  
institution or other facility under section 2945.39, 2945.40, 38314  
2945.401, or 2945.402 of the Revised Code to the extent that the 38315  
reference in this chapter to resident, or the context in which the 38316  
reference occurs, is in conflict with any provision of sections 38317  
2945.37 to 2945.402 of the Revised Code. 38318

(V) "Respondent" means the person whose detention, 38319  
commitment, or continued commitment is being sought in any 38320  
proceeding under this chapter. 38321

(W) "Working day" and "court day" mean Monday, Tuesday, 38322  
Wednesday, Thursday, and Friday, except when such day is a legal 38323  
holiday. 38324

(X) "Prosecutor" means the prosecuting attorney, village 38325  
solicitor, city director of law, or similar chief legal officer 38326  
who prosecuted a criminal case in which a person was found not 38327  
guilty by reason of insanity, who would have had the authority to 38328  
prosecute a criminal case against a person if the person had not 38329  
been found incompetent to stand trial, or who prosecuted a case in 38330  
which a person was found guilty. 38331

(Y) "Court" means the probate division of the court of common 38332  
pleas. 38333

(Z) "Supported living" has the same meaning as in section 38334  
5126.01 of the Revised Code. 38335

Sec. 5123.033. The program fee fund is hereby created in the 38336  
state treasury. All fees collected pursuant to sections 5123.161, 38337

5123.164, 5123.19, and 5126.25 of the Revised Code shall be 38338  
credited to the fund. Money credited to the fund shall be used 38339  
solely for the department of mental retardation and developmental 38340  
disabilities' duties under sections 5123.16 to 5123.169, 5123.19, 38341  
and 5126.25 of the Revised Code and to provide continuing 38342  
education and professional training to employees of county boards 38343  
of mental retardation and developmental disabilities for the 38344  
purpose of section 5126.25 of the Revised Code and other providers 38345  
of services to individuals with mental retardation or a 38346  
developmental disability. If the money credited to the fund is 38347  
inadequate to pay all of the department's costs in performing 38348  
those duties and providing the continuing education and 38349  
professional training, the department may use other available 38350  
funds appropriated to the department to pay the remaining costs of 38351  
performing those duties and providing the continuing education and 38352  
professional training. 38353

**Sec. 5123.043.** (A) The director of mental retardation and 38354  
developmental disabilities shall adopt rules establishing 38355  
procedures for administrative resolution of complaints filed under 38356  
division (B) of this section and section 5126.06 of the Revised 38357  
Code. The rules shall be adopted in accordance with Chapter 119. 38358  
of the Revised Code. 38359

(B) Except as provided in division (C) of this section, any 38360  
person or county board of mental retardation and developmental 38361  
disabilities that has a complaint involving any of the programs, 38362  
services, policies, or administrative practices of the department 38363  
of mental retardation and developmental disabilities or any of the 38364  
entities under contract with the department, may file a complaint 38365  
with the department. Prior to commencing a civil action regarding 38366  
the complaint, a person or county board shall attempt to have the 38367  
complaint resolved through the administrative resolution process 38368  
established in the rules adopted under this section. After 38369

exhausting the administrative resolution process, the person or 38370  
county board may commence a civil action if the complaint is not 38371  
settled to the person's or county board's satisfaction. 38372

(C) An employee of the department may not file under this 38373  
section a complaint related to the terms and conditions of 38374  
employment for the employee. 38375

~~(D) This section does not apply to a conflict between a 38376  
county board of mental retardation and developmental disabilities 38377  
and a person or government entity that provides or seeks to 38378  
provide services to an individual with mental retardation or other 38379  
developmental disability. Section 5126.036 of the Revised Code 38380  
applies to such a conflict. 38381~~

**Sec. 5123.045.** No person or government entity shall receive 38382  
payment for providing home and community-based services unless the 38383  
person or government entity is one of the following: 38384

(A) Certified under section ~~5123.16~~ 5123.161 of the Revised 38385  
Code; 38386

(B) Licensed as a residential facility under section 5123.19 38387  
of the Revised Code. 38388

**Sec. 5123.047.** ~~(A) The department of mental retardation and 38389  
developmental disabilities shall pay the nonfederal share of 38390  
medicaid expenditures for medicaid case management services if the 38391  
services are provided to an individual with mental retardation or 38392  
other developmental disability who a county board of mental 38393  
retardation and developmental disabilities has determined under 38394  
section 5126.041 of the Revised Code is not eligible for county 38395  
board services. 38396~~

~~(B) The department shall pay the nonfederal share of medicaid 38397  
expenditures for and home and community-based services if any of 38398  
the following apply: 38399~~

~~(1) The services are provided to an individual with mental 38400  
retardation or other developmental disability who a county board 38401  
has determined under section 5126.041 of the Revised Code is not 38402  
eligible for county board services; 38403~~

~~(2) The services are provided to an individual with mental 38404  
retardation or other developmental disability given priority for 38405  
the services pursuant to division (D)(3) of section 5126.042 of 38406  
the Revised Code. The department shall pay the nonfederal share of 38407  
medicaid expenditures for home and community based services 38408  
provided to such an individual for as long as the individual 38409  
continues to be eligible for and receive the services, regardless 38410  
of whether the services are provided after June 30, 2003. 38411~~

~~(3) An agreement entered into under section 5123.048 of the 38412  
Revised Code requires that the department pay the nonfederal share 38413  
of medicaid expenditures for the services for which no county 38414  
board of mental retardation and developmental disabilities is 38415  
required by section 5126.059 or 5126.0510 of the Revised Code to 38416  
pay. 38417~~

**Sec. 5123.048.** The director of mental retardation and 38418  
developmental disabilities may enter into an agreement with a 38419  
county board of mental retardation and developmental disabilities 38420  
under which the department of mental retardation and developmental 38421  
disabilities is to pay the nonfederal share of medicaid 38422  
expenditures for one or more of the home and community-based 38423  
services ~~provided to individuals with mental retardation or other 38424  
developmental disability residing in the county served by that the 38425  
county board would, if not for the agreement, be required by 38426  
section 5126.0510 of the Revised Code to pay. The agreement shall 38427  
specify which home and community-based services the agreement 38428  
covers. The department shall pay the nonfederal share of medicaid 38429  
expenditures for the home and community-based services that the 38430~~

agreement covers as long as the agreement is in effect. 38431

**Sec. 5123.049.** The director of mental retardation and 38432  
developmental disabilities shall adopt rules in accordance with 38433  
Chapter 119. of the Revised Code governing the authorization and 38434  
payment of home and community-based services and medicaid case 38435  
management services. The rules shall provide for private providers 38436  
of the services to receive one hundred per cent of the medicaid 38437  
allowable payment amount and for government providers of the 38438  
services to receive the federal share of the medicaid allowable 38439  
payment, less the amount withheld as a fee under section 5123.0412 38440  
of the Revised Code and any amount that may be required by rules 38441  
adopted under section 5123.0413 of the Revised Code to be 38442  
deposited into the state MR/DD risk fund. The rules shall 38443  
establish the process by which county boards of mental retardation 38444  
and developmental disabilities shall certify and provide the 38445  
nonfederal share of medicaid expenditures that the county board is 38446  
required by ~~division (A) of section 5126.057~~ sections 5126.059 and 38447  
5126.0510 of the Revised Code to pay. The process shall require a 38448  
county board to certify that the county board has funding 38449  
available at one time for two months costs for those expenditures. 38450  
The process may permit a county board to certify that the county 38451  
board has funding available at one time for more than two months 38452  
costs for those expenditures. 38453

**Sec. 5123.0411.** The department of mental retardation and 38454  
developmental disabilities may bring a mandamus action against a 38455  
county board of mental retardation and developmental disabilities 38456  
that fails to pay the nonfederal share of medicaid expenditures 38457  
that the county board is required by ~~division (A) of section~~ 38458  
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code to 38459  
pay. The department may bring the mandamus action in the court of 38460  
common pleas of the county served by the county board or in the 38461

Franklin county court of common pleas. 38462

Sec. 5123.0414. (A) When the director of mental retardation 38463  
and developmental disabilities, under section 119.07 of the 38464  
Revised Code, sends a party a notice by registered mail, return 38465  
receipt requested, that the director intends to take action 38466  
against the party authorized by section 5123.082, 5123.166, 38467  
5123.168, 5123.19, 5123.45, 5123.51, or 5126.25 of the Revised 38468  
Code and the notice is returned to the director with an 38469  
endorsement indicating that the notice was refused or unclaimed, 38470  
the director shall resend the notice by ordinary mail to the 38471  
party. 38472

(B) If the original notice was refused, the notice shall be 38473  
deemed received as of the date the director resends the notice. 38474

(C) If the original notice was unclaimed, the notice shall be 38475  
deemed received as of the date the director resends the notice 38476  
unless, not later than thirty days after the date the director 38477  
sent the original notice, the resent notice is returned to the 38478  
director for failure of delivery. 38479

If the notice concerns taking action under section 5123.51 of 38480  
the Revised Code and the resent notice is returned to the director 38481  
for failure of delivery not later than thirty days after the date 38482  
the director sent the original notice, the director shall cause 38483  
the notice to be published in a newspaper of general circulation 38484  
in the county of the party's last known residence or business and 38485  
shall mail a dated copy of the published notice to the party at 38486  
the last known address. The notice shall be deemed received as of 38487  
the date of the publication. 38488

If the notice concerns taking action under section 5123.082, 38489  
5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised 38490  
Code and the resent notice is returned to the director for failure 38491  
of delivery not later than thirty days after the date the director 38492

sent the original notice, the director shall resend the notice to 38493  
the party a second time. The notice shall be deemed received as of 38494  
the date the director resends the notice the second time. 38495

Sec. 5123.0415. As used in this section, "license" means a 38496  
license, certificate, or evidence of registration. 38497

Each person and government entity that applies for or holds a 38498  
valid license issued under section 5123.082, 5123.161, 5123.19, 38499  
5123.45, 5126.25, or 5126.252 of the Revised Code shall notify the 38500  
director of mental retardation and developmental disabilities of 38501  
any change in the person or government entity's address. 38502

Sec. 5123.0416. (A) Subject to the availability of funds 38503  
appropriated to the department of mental retardation and 38504  
developmental disabilities for medicaid waiver state match, the 38505  
department shall expend, in fiscal year 2009 and each fiscal year 38506  
thereafter, not less than the amount appropriated in appropriation 38507  
item 322-416, medicaid waiver - state match, in fiscal year 2008 38508  
to do both of the following: 38509

(1) Pay the nonfederal share of medicaid expenditures for 38510  
home and community-based services that section 5123.047 of the 38511  
Revised Code requires the department to pay; 38512

(2) Assist county boards of mental retardation and 38513  
developmental disabilities in paying the nonfederal share of 38514  
medicaid expenditures for home and community-based services that 38515  
section 5126.0510 of the Revised Code requires county boards to 38516  
pay. 38517

(B) The department may make the expenditures required by 38518  
division (A)(2) of this section in the form of allocations to 38519  
county boards or by other means. If the department makes the 38520  
expenditures in the form of allocations, the process for making 38521  
the allocations shall conform to a process the department shall 38522

establish after consulting with representatives of county boards. 38523

**Sec. 5123.051.** (A) If the department of mental retardation 38524  
and developmental disabilities determines pursuant to an audit 38525  
conducted under section 5123.05 of the Revised Code or a 38526  
reconciliation conducted under section 5123.18 ~~or 5123.199~~ of the 38527  
Revised Code that money is owed the state by a provider of a 38528  
service or program, the department may enter into a payment 38529  
agreement with the provider. The agreement shall include the 38530  
following: 38531

(1) A schedule of installment payments whereby the money owed 38532  
the state is to be paid in full within a period not to exceed one 38533  
year; 38534

(2) A provision that the provider may pay the entire balance 38535  
owed at any time during the term of the agreement; 38536

(3) A provision that if any installment is not paid in full 38537  
within forty-five days after it is due, the entire balance owed is 38538  
immediately due and payable; 38539

(4) Any other terms and conditions that are agreed to by the 38540  
department and the provider. 38541

(B) The department may include a provision in a payment 38542  
agreement that requires the provider to pay interest on the money 38543  
owed the state. The department, in its discretion, shall determine 38544  
whether to require the payment of interest and, if it so requires, 38545  
the rate of interest. Neither the obligation to pay interest nor 38546  
the rate of interest is subject to negotiation between the 38547  
department and the provider. 38548

(C) If the provider fails to pay any installment in full 38549  
within forty-five days after its due date, the department shall 38550  
certify the entire balance owed to the attorney general for 38551  
collection under section 131.02 of the Revised Code. The 38552

department may withhold funds from payments made to a provider 38553  
under section 5123.18 ~~or 5123.199~~ of the Revised Code to satisfy a 38554  
judgment secured by the attorney general. 38555

(D) The purchase of service fund is hereby created. Money 38556  
credited to the fund shall be used solely for purposes of section 38557  
5123.05 of the Revised Code. 38558

Sec. 5123.16. (A) As used in sections 5123.16 to 5123.169 of 38559  
the Revised Code: 38560

(1) "Provider" means a person or government entity certified 38561  
by the director of mental retardation and developmental 38562  
disabilities to provide supported living. 38563

(2) "Related party" means any of the following: 38564

(a) In the case of a provider who is an individual, any of 38565  
the following: 38566

(i) The spouse of the provider; 38567

(ii) A parent or stepparent of the provider or provider's 38568  
spouse; 38569

(iii) A child of the provider or provider's spouse; 38570

(iv) A sibling, half sibling, or stepsibling of the provider 38571  
or provider's spouse; 38572

(v) A grandparent of the provider or provider's spouse; 38573

(vi) A grandchild of the provider or provider's spouse; 38574

(vii) An employee or employer of the provider or provider's 38575  
spouse. 38576

(b) In the case of a provider that is a person other than an 38577  
individual, any of the following: 38578

(i) An employee of the person; 38579

(ii) An officer of the provider, including the chief 38580

<u>executive officer, president, vice-president, secretary, and</u>	38581
<u>treasurer;</u>	38582
<u>(iii) A member of the provider's board of directors or</u>	38583
<u>trustees;</u>	38584
<u>(iv) A person owning a financial interest of five per cent or</u>	38585
<u>more in the provider;</u>	38586
<u>(v) A corporation that has a subsidiary relationship with the</u>	38587
<u>provider;</u>	38588
<u>(vi) A person or government entity that has control over the</u>	38589
<u>provider's day-to-day operation;</u>	38590
<u>(vii) A person over which the provider has control of the</u>	38591
<u>day-to-day operation.</u>	38592
<u>(c) In the case of a provider that is a government entity,</u>	38593
<u>any of the following:</u>	38594
<u>(i) An employee of the provider;</u>	38595
<u>(ii) An officer of the provider;</u>	38596
<u>(iii) A member of the provider's governing board;</u>	38597
<u>(iv) A government entity that has control over the provider's</u>	38598
<u>day-to-day operation;</u>	38599
<u>(v) A person or government entity over which the provider has</u>	38600
<u>control of the day-to-day operation.</u>	38601
<u>(B) No person or government entity may provide supported</u>	38602
<u>living without a valid supported living certificate issued by the</u>	38603
<u>director of mental retardation and developmental disabilities.</u>	38604
<u>(C) A county board of mental retardation and developmental</u>	38605
<u>disabilities may provide supported living only to the extent</u>	38606
<u>permitted by rules adopted under section 5123.169 of the Revised</u>	38607
<u>Code.</u>	38608

Sec. 5123.161. A person or government entity that seeks to 38609  
provide supported living shall apply to the director of mental 38610  
retardation and developmental disabilities for a supported living 38611  
certificate. 38612

Except as provided in section 5123.166 of the Revised Code, 38613  
the director shall issue the applicant a supported living 38614  
certificate if the applicant follows the application process 38615  
established in rules adopted under section 5123.169 of the Revised 38616  
Code, meets the applicable certification standards established in 38617  
those rules, and pays the certification fee established in those 38618  
rules. 38619

Sec. 5123.162. The director of mental retardation and 38620  
developmental disabilities may conduct surveys of persons and 38621  
government entities that seek a supported living certificate to 38622  
determine whether the persons and government entities meet the 38623  
certification standards. The director may also conduct surveys of 38624  
providers to determine whether the providers continue to meet the 38625  
certification standards. The director shall conduct the surveys in 38626  
accordance with rules adopted under section 5123.169 of the 38627  
Revised Code. 38628

The records of surveys conducted under this section are 38629  
public records for the purpose of section 149.43 of the Revised 38630  
Code and shall be made available on the request of any person or 38631  
government entity. 38632

Sec. 5123.163. A supported living certificate is valid for a 38633  
period of time established in rules adopted under section 5123.169 38634  
of the Revised Code, unless any of the following occur before the 38635  
end of that period of time: 38636

(A) The director of mental retardation and developmental 38637  
disabilities issues an order requiring that action be taken 38638

against the certificate holder under section 5123.166 of the 38639  
Revised Code. 38640

(B) The director issues an order terminating the certificate 38641  
under section 5123.168 of the Revised Code. 38642

(C) The certificate holder voluntarily surrenders the 38643  
certificate to the director. 38644

Sec. 5123.164. Except as provided in section 5123.166 of the 38645  
Revised Code, the director of mental retardation and developmental 38646  
disabilities shall renew a supported living certificate if the 38647  
certificate holder follows the renewal process established in 38648  
rules adopted under section 5123.169 of the Revised Code, 38649  
continues to meet the applicable certification standards 38650  
established in those rules, and pays the renewal fee established 38651  
in those rules. 38652

Sec. 5123.165. (A) Except as provided in division (B) of this 38653  
section, no person or government entity may provide supported 38654  
living to an individual with mental retardation or a developmental 38655  
disability if the person or government entity or a related party 38656  
of the person or government entity also provides the individual a 38657  
residence. 38658

(B) A person may provide supported living to an individual 38659  
with mental retardation or a developmental disability even though 38660  
the person or a related party of the person also provides the 38661  
individual a residence if either of the following apply: 38662

(1) The person also resides in the residence with the 38663  
individual and does not provide at any one time supported living 38664  
to more than a total of three individuals with mental retardation 38665  
or a developmental disability who reside in that residence; 38666

(2) The person is an association of family members related to 38667  
two or more of the individuals with mental retardation or a 38668

developmental disability who reside in the residence and does not 38669  
provide at any one time supported living to more than a total of 38670  
four individuals with mental retardation or a developmental 38671  
disability who reside in that residence. 38672

**Sec. 5123.166.** (A) If good cause exists as specified in 38673  
division (B) of this section and determined in accordance with 38674  
procedures established in rules adopted under section 5123.169 of 38675  
the Revised Code, the director of mental retardation and 38676  
developmental disabilities may issue an adjudication order 38677  
requiring that one of the following actions be taken against a 38678  
person or government entity seeking or holding a supported living 38679  
certificate: 38680

(1) Refusal to issue or renew a supported living certificate; 38681

(2) Revocation of a supported living certificate; 38682

(3) Suspension of a supported living certificate holder's 38683  
authority to do either or both of the following: 38684

(a) Continue to provide supported living to one or more 38685  
individuals from one or more counties who receive supported living 38686  
from the certificate holder at the time the director takes the 38687  
action; 38688

(b) Begin to provide supported living to one or more 38689  
individuals from one or more counties who do not receive supported 38690  
living from the certificate holder at the time the director takes 38691  
the action. 38692

(B) The following constitute good cause for taking action 38693  
under division (A) of this section against a person or government 38694  
entity seeking or holding a supported living certificate: 38695

(1) The person or government entity's failure to meet or 38696  
continue to meet the applicable certification standards 38697  
established in rules adopted under section 5123.169 of the Revised 38698

<u>Code;</u>	38699
<u>(2) The person or government entity violates section 5123.165 of the Revised Code;</u>	38700 38701
<u>(3) The person or government entity's failure to satisfy the requirements of section 5123.52, 5126.28, or 5126.281 of the Revised Code;</u>	38702 38703 38704
<u>(4) Misfeasance;</u>	38705
<u>(5) Malfeasance;</u>	38706
<u>(6) Nonfeasance;</u>	38707
<u>(7) Confirmed abuse or neglect;</u>	38708
<u>(8) Financial irresponsibility;</u>	38709
<u>(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity.</u>	38710 38711 38712
<u>(C) Except as provided in division (D) of this section, the director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code.</u>	38713 38714 38715
<u>(D)(1) The director may issue an order requiring that action specified in division (A)(3) of this section be taken before a provider is provided notice and an opportunity for a hearing if all of the following are the case:</u>	38716 38717 38718 38719
<u>(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards;</u>	38720 38721 38722
<u>(b) The director determines that the failure either represents a pattern of serious noncompliance or creates a substantial risk to the health or safety of an individual who receives or would receive supported living from the provider;</u>	38723 38724 38725 38726
<u>(c) If the order will suspend the provider's authority to</u>	38727

continue to provide supported living to an individual who receives 38728  
supported living from the provider at the time the director issues 38729  
the order, both of the following are the case: 38730

(i) The director makes the individual, or the individual's 38731  
guardian, aware of the director's determination under division 38732  
(D)(1)(b) of this section and the individual or guardian does not 38733  
select another provider. 38734

(ii) A county board of mental retardation and developmental 38735  
disabilities has filed a complaint with a probate court under 38736  
section 5123.33 of the Revised Code that includes facts describing 38737  
the nature of abuse or neglect that the individual has suffered 38738  
due to the provider's actions that are the basis for the director 38739  
making the determination under division (D)(1)(b) of this section 38740  
and the probate court does not issue an order authorizing the 38741  
county board to arrange services for the individual pursuant to an 38742  
individualized service plan developed for the individual under 38743  
section 5123.31 of the Revised Code. 38744

(2) If the director issues an order under division (D)(1) of 38745  
this section, sections 119.091 to 119.13 of the Revised Code and 38746  
all of the following apply: 38747

(a) The director shall send the provider notice of the order 38748  
by registered mail, return receipt requested, not later than 38749  
twenty-four hours after issuing the order and shall include in the 38750  
notice the reasons for the order, the citation to the law or rule 38751  
directly involved, and a statement that the provider will be 38752  
afforded a hearing if the provider requests it within ten days of 38753  
the time of receiving the notice. 38754

(b) If the provider requests a hearing within the required 38755  
time and the provider has provided the director the provider's 38756  
current address, the director shall immediately set, and notify 38757  
the provider of, the date, time, and place for the hearing. 38758

(c) The date of the hearing shall be not later than thirty days after the director receives the provider's timely request for the hearing. 38759  
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(d) The hearing shall be conducted in accordance with section 119.09 of the Revised Code, except for all of the following: 38762  
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(i) The hearing shall continue uninterrupted until its close, except for weekends, legal holidays, and other interruptions the provider and director agree to. 38764  
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(ii) If the director appoints a referee or examiner to conduct the hearing, the referee or examiner, not later than ten days after the date the referee or examiner receives a transcript of the testimony and evidence presented at the hearing or, if the referee or examiner does not receive the transcript or no such transcript is made, the date that the referee or examiner closes the record of the hearing, shall submit to the director a written report setting forth the referee or examiner's findings of fact and conclusions of law and a recommendation of the action the director should take. 38767  
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(iii) The provider may, not later than five days after the date the director, in accordance with section 119.09 of the Revised Code, sends the provider or the provider's attorney or other representative of record a copy of the referee or examiner's report and recommendation, file with the director written objections to the report and recommendation. 38777  
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(iv) The director shall approve, modify, or disapprove the referee or examiner's report and recommendation not earlier than six days, and not later than fifteen days, after the date the director, in accordance with section 119.09 of the Revised Code, sends a copy of the report and recommendation to the provider or the provider's attorney or other representative of record. 38783  
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(3) The director may lift an order issued under division 38789

(D)(1) of this section even though a hearing regarding the order 38790  
is occurring or pending if the director determines that the 38791  
provider has taken action eliminating the good cause for issuing 38792  
the order. The hearing shall proceed unless the provider withdraws 38793  
the request for the hearing in a written letter to the director. 38794

(4) The director shall lift an order issued under division 38795  
(D)(1) of this section if both of the following are the case: 38796

(a) The provider provides the director a plan of compliance 38797  
the director determines is acceptable. 38798

(b) The director determines that the provider has implemented 38799  
the plan of compliance correctly. 38800

Sec. 5123.167. If the director of mental retardation and 38801  
developmental disabilities issues an adjudication order under 38802  
section 5123.166 of the Revised Code refusing to issue a supported 38803  
living certificate to a person or government entity or to renew a 38804  
person or government entity's supported living certificate, 38805  
neither the person or government entity nor a related party of the 38806  
person or government entity may apply for another supported living 38807  
certificate earlier than the date that is one year after the date 38808  
the order is issued. If the director issues an adjudication order 38809  
under that section revoking a person or government entity's 38810  
supported living certificate, neither the person or government 38811  
entity nor a related party of the person or government entity may 38812  
apply for another supported living certificate earlier than the 38813  
date that is five years after the date the order is issued. 38814

Sec. 5123.168. The director of mental retardation and 38815  
developmental disabilities may issue an adjudication order in 38816  
accordance with Chapter 119. of the Revised Code to terminate a 38817  
supported living certificate if the certificate holder has not 38818  
billed for supported living for twelve consecutive months. 38819

<u>Sec. 5123.169. The director of mental retardation and</u>	38820
<u>developmental disabilities shall adopt rules under Chapter 119. of</u>	38821
<u>the Revised Code establishing all of the following:</u>	38822
<u>(A) The extent to which a county board of mental retardation</u>	38823
<u>and developmental disabilities may provide supported living;</u>	38824
<u>(B) The application process for obtaining a supported living</u>	38825
<u>certificate under section 5123.161 of the Revised Code;</u>	38826
<u>(C) The certification standards a person or government entity</u>	38827
<u>must meet to obtain a supported living certificate to provide</u>	38828
<u>supported living;</u>	38829
<u>(D) The certification fee for a supported living certificate,</u>	38830
<u>which shall be deposited into the program fee fund created under</u>	38831
<u>section 5123.033 of the Revised Code;</u>	38832
<u>(E) The period of time a supported living certificate is</u>	38833
<u>valid;</u>	38834
<u>(F) The process for renewing a supported living certificate</u>	38835
<u>under section 5123.164 of the Revised Code;</u>	38836
<u>(G) The renewal fee for a supported living certificate, which</u>	38837
<u>shall be deposited into the program fee fund created under section</u>	38838
<u>5123.033 of the Revised Code;</u>	38839
<u>(H) Procedures for conducting surveys under section 5123.162</u>	38840
<u>of the Revised Code;</u>	38841
<u>(I) Procedures for determining whether there is good cause to</u>	38842
<u>take action under section 5123.166 of the Revised Code against a</u>	38843
<u>person or government entity seeking or holding a supported living</u>	38844
<u>certificate.</u>	38845
<b>Sec. 5123.19.</b> (A) As used in this section and in sections	38846
5123.191, 5123.194, 5123.196, 5123.198, and 5123.20 of the Revised	38847
Code:	38848

(1)(a) "Residential facility" means a home or facility in 38849  
which a mentally retarded or developmentally disabled person 38850  
resides, except the home of a relative or legal guardian in which 38851  
a mentally retarded or developmentally disabled person resides, a 38852  
respite care home certified under section 5126.05 of the Revised 38853  
Code, a county home or district home operated pursuant to Chapter 38854  
5155. of the Revised Code, or a dwelling in which the only 38855  
mentally retarded or developmentally disabled residents are in an 38856  
independent living arrangement or are being provided supported 38857  
living. 38858

(b) "Intermediate care facility for the mentally retarded" 38859  
means a residential facility that is considered an intermediate 38860  
care facility for the mentally retarded for the purposes of 38861  
Chapter 5111. of the Revised Code. 38862

(2) "Political subdivision" means a municipal corporation, 38863  
county, or township. 38864

(3) "Independent living arrangement" means an arrangement in 38865  
which a mentally retarded or developmentally disabled person 38866  
resides in an individualized setting chosen by the person or the 38867  
person's guardian, which is not dedicated principally to the 38868  
provision of residential services for mentally retarded or 38869  
developmentally disabled persons, and for which no financial 38870  
support is received for rendering such service from any 38871  
governmental agency by a provider of residential services. 38872

~~(4) "Supported living" has the same meaning as in section 38873  
5126.01 of the Revised Code. 38874~~

~~(5) "Licensee" means the person or government agency that has 38875  
applied for a license to operate a residential facility and to 38876  
which the license was issued under this section. 38877~~

(5) "Related party" has the same meaning as in section 38878  
5123.16 of the Revised Code except that "provider" as used in the 38879

definition of "related party" means a person or government entity 38880  
that held or applied for a license to operate a residential 38881  
facility, rather than a person or government entity certified to 38882  
provide supported living. 38883

(B) Every person or government agency desiring to operate a 38884  
residential facility shall apply for licensure of the facility to 38885  
the director of mental retardation and developmental disabilities 38886  
unless the residential facility is subject to section 3721.02, 38887  
3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding 38888  
Chapter 3721. of the Revised Code, a nursing home that is 38889  
certified as an intermediate care facility for the mentally 38890  
retarded under Title XIX of the "Social Security Act," 79 Stat. 38891  
286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 38892  
licensure of the portion of the home that is certified as an 38893  
intermediate care facility for the mentally retarded. 38894

(C) Subject to section 5123.196 of the Revised Code, the 38895  
director of mental retardation and developmental disabilities 38896  
shall license the operation of residential facilities. An initial 38897  
license shall be issued for a period that does not exceed one 38898  
year, unless the director denies the license under division (D) of 38899  
this section. A license shall be renewed for a period that does 38900  
not exceed three years, unless the director refuses to renew the 38901  
license under division (D) of this section. The director, when 38902  
issuing or renewing a license, shall specify the period for which 38903  
the license is being issued or renewed. A license remains valid 38904  
for the length of the licensing period specified by the director, 38905  
unless the license is terminated, revoked, or voluntarily 38906  
surrendered. 38907

(D) If it is determined that an applicant or licensee is not 38908  
in compliance with a provision of this chapter that applies to 38909  
residential facilities or the rules adopted under such a 38910  
provision, the director may deny issuance of a license, refuse to 38911

renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division ~~(J)~~(K) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division ~~(G)~~(H)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division ~~(G)~~(H)(2) of this section. The director shall lift the order when the director determines that the violation that

formed the basis for the order has been corrected. 38944

(5) If the director determines that two or more residential 38945  
facilities owned or operated by the same person or government 38946  
entity are not being operated in compliance with a provision of 38947  
this chapter that applies to residential facilities or the rules 38948  
adopted under such a provision, and the director's findings are 38949  
based on the same or a substantially similar action, practice, 38950  
circumstance, or incident that creates a substantial risk to the 38951  
health and safety of the residents, the director shall conduct a 38952  
survey as soon as practicable at each residential facility owned 38953  
or operated by that person or government entity. The director may 38954  
take any action authorized by this section with respect to any 38955  
facility found to be operating in violation of a provision of this 38956  
chapter that applies to residential facilities or the rules 38957  
adopted under such a provision. 38958

(6) When the director initiates license revocation 38959  
proceedings, no opportunity for submitting a plan of correction 38960  
shall be given. The director shall notify the licensee by letter 38961  
of the initiation of the proceedings. The letter shall list the 38962  
deficiencies of the residential facility and inform the licensee 38963  
that no plan of correction will be accepted. The director shall 38964  
also ~~notify each affected resident, the resident's guardian if the~~ 38965  
~~resident is an adult for whom a guardian has been appointed, the~~ 38966  
~~resident's parent or guardian if the resident is a minor, and the~~ 38967  
~~county board of mental retardation and developmental disabilities~~ 38968  
send a copy of the letter to the county board of mental 38969  
retardation and developmental disabilities. The county board shall 38970  
send a copy of the letter to each of the following: 38971

(a) Each resident who receives services from the licensee; 38972

(b) The guardian of each resident who receives services from 38973  
the licensee if the resident has a guardian; 38974

<u>(c) The parent or guardian of each resident who receives</u>	38975
<u>services from the licensee if the resident is a minor.</u>	38976
(7) Pursuant to rules which shall be adopted in accordance	38977
with Chapter 119. of the Revised Code, the director may order the	38978
immediate removal of residents from a residential facility	38979
whenever conditions at the facility present an immediate danger of	38980
physical or psychological harm to the residents.	38981
(8) In determining whether a residential facility is being	38982
operated in compliance with a provision of this chapter that	38983
applies to residential facilities or the rules adopted under such	38984
a provision, or whether conditions at a residential facility	38985
present an immediate danger of physical or psychological harm to	38986
the residents, the director may rely on information obtained by a	38987
county board of mental retardation and developmental disabilities	38988
or other governmental agencies.	38989
(9) In proceedings initiated to deny, refuse to renew, or	38990
revoke licenses, the director may deny, refuse to renew, or revoke	38991
a license regardless of whether some or all of the deficiencies	38992
that prompted the proceedings have been corrected at the time of	38993
the hearing.	38994
(E) The director shall establish a program under which public	38995
notification may be made when the director has initiated license	38996
revocation proceedings or has issued an order for the suspension	38997
of admissions, placement of a monitor, or removal of residents.	38998
The director shall adopt rules in accordance with Chapter 119. of	38999
the Revised Code to implement this division. The rules shall	39000
establish the procedures by which the public notification will be	39001
made and specify the circumstances for which the notification must	39002
be made. The rules shall require that public notification be made	39003
if the director has taken action against the facility in the	39004
eighteen-month period immediately preceding the director's latest	39005
action against the facility and the latest action is being taken	39006

for the same or a substantially similar violation of a provision 39007  
of this chapter that applies to residential facilities or the 39008  
rules adopted under such a provision. The rules shall specify a 39009  
method for removing or amending the public notification if the 39010  
director's action is found to have been unjustified or the 39011  
violation at the residential facility has been corrected. 39012

(F)(1) Except as provided in division (F)(2) of this section, 39013  
appeals from proceedings initiated to impose a sanction under 39014  
division (D) of this section shall be conducted in accordance with 39015  
Chapter 119. of the Revised Code. 39016

(2) Appeals from proceedings initiated to order the 39017  
suspension of admissions to a facility shall be conducted in 39018  
accordance with Chapter 119. of the Revised Code, unless the order 39019  
was issued before providing an opportunity for an adjudication, in 39020  
which case all of the following apply: 39021

(a) The licensee may request a hearing not later than ten 39022  
days after receiving the notice specified in section 119.07 of the 39023  
Revised Code. 39024

(b) If a timely request for a hearing that includes the 39025  
licensee's current address is made, the hearing shall commence not 39026  
later than thirty days after the department receives the request. 39027

(c) After commencing, the hearing shall continue 39028  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 39029  
unless other interruptions are agreed to by the licensee and the 39030  
director. 39031

(d) If the hearing is conducted by a hearing examiner, the 39032  
hearing examiner shall file a report and recommendations not later 39033  
than ten days after the last of the following: 39034

(i) The close of the hearing; 39035

(ii) If a transcript of the proceedings is ordered, the 39036

hearing examiner receives the transcript; 39037

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 39038  
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(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed. 39040  
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(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations. 39044  
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~~(f)~~(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations. 39047  
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~~(g)~~(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected. 39051  
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(G) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation. 39055  
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(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities, including intermediate care facilities for the mentally retarded. The rules for intermediate care facilities for the mentally retarded may 39063  
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differ from those for other residential facilities. The rules 39068  
shall establish and specify the following: 39069

(1) Procedures and criteria for issuing and renewing 39070  
licenses, including procedures and criteria for determining the 39071  
length of the licensing period that the director must specify for 39072  
each license when it is issued or renewed; 39073

(2) Procedures and criteria for denying, refusing to renew, 39074  
terminating, and revoking licenses and for ordering the suspension 39075  
of admissions to a facility, placement of a monitor at a facility, 39076  
and the immediate removal of residents from a facility; 39077

(3) Fees for issuing and renewing licenses, which shall be 39078  
deposited into the program fee fund created under section 5123.033 39079  
of the Revised Code; 39080

(4) Procedures for surveying residential facilities; 39081

(5) Requirements for the training of residential facility 39082  
personnel; 39083

(6) Classifications for the various types of residential 39084  
facilities; 39085

(7) Certification procedures for licensees and management 39086  
contractors that the director determines are necessary to ensure 39087  
that they have the skills and qualifications to properly operate 39088  
or manage residential facilities; 39089

(8) The maximum number of persons who may be served in a 39090  
particular type of residential facility; 39091

(9) Uniform procedures for admission of persons to and 39092  
transfers and discharges of persons from residential facilities; 39093

(10) Other standards for the operation of residential 39094  
facilities and the services provided at residential facilities; 39095

(11) Procedures for waiving any provision of any rule adopted 39096  
under this section. 39097

~~(H)~~(I) Before issuing a license, the director of the 39098  
department or the director's designee shall conduct a survey of 39099  
the residential facility for which application is made. The 39100  
director or the director's designee shall conduct a survey of each 39101  
licensed residential facility at least once during the period the 39102  
license is valid and may conduct additional inspections as needed. 39103  
A survey includes but is not limited to an on-site examination and 39104  
evaluation of the residential facility, its personnel, and the 39105  
services provided there. 39106

In conducting surveys, the director or the director's 39107  
designee shall be given access to the residential facility; all 39108  
records, accounts, and any other documents related to the 39109  
operation of the facility; the licensee; the residents of the 39110  
facility; and all persons acting on behalf of, under the control 39111  
of, or in connection with the licensee. The licensee and all 39112  
persons on behalf of, under the control of, or in connection with 39113  
the licensee shall cooperate with the director or the director's 39114  
designee in conducting the survey. 39115

Following each survey, unless the director initiates a 39116  
license revocation proceeding, the director or the director's 39117  
designee shall provide the licensee with a report listing any 39118  
deficiencies, specifying a timetable within which the licensee 39119  
shall submit a plan of correction describing how the deficiencies 39120  
will be corrected, and, when appropriate, specifying a timetable 39121  
within which the licensee must correct the deficiencies. After a 39122  
plan of correction is submitted, the director or the director's 39123  
designee shall approve or disapprove the plan. A copy of the 39124  
report and any approved plan of correction shall be provided to 39125  
any person who requests it. 39126

The director shall initiate disciplinary action against any 39127  
department employee who notifies or causes the notification to any 39128  
unauthorized person of an unannounced survey of a residential 39129

facility by an authorized representative of the department. 39130

~~(I)~~(J) In addition to any other information which may be 39131  
required of applicants for a license pursuant to this section, the 39132  
director shall require each applicant to provide a copy of an 39133  
approved plan for a proposed residential facility pursuant to 39134  
section 5123.042 of the Revised Code. This division does not apply 39135  
to renewal of a license. 39136

~~(J)~~(K) A licensee shall notify the owner of the building in 39137  
which the licensee's residential facility is located of any 39138  
significant change in the identity of the licensee or management 39139  
contractor before the effective date of the change if the licensee 39140  
is not the owner of the building. 39141

Pursuant to rules which shall be adopted in accordance with 39142  
Chapter 119. of the Revised Code, the director may require 39143  
notification to the department of any significant change in the 39144  
ownership of a residential facility or in the identity of the 39145  
licensee or management contractor. If the director determines that 39146  
a significant change of ownership is proposed, the director shall 39147  
consider the proposed change to be an application for development 39148  
by a new operator pursuant to section 5123.042 of the Revised Code 39149  
and shall advise the applicant within sixty days of the 39150  
notification that the current license shall continue in effect or 39151  
a new license will be required pursuant to this section. If the 39152  
director requires a new license, the director shall permit the 39153  
facility to continue to operate under the current license until 39154  
the new license is issued, unless the current license is revoked, 39155  
refused to be renewed, or terminated in accordance with Chapter 39156  
119. of the Revised Code. 39157

~~(K)~~(L) A county board of mental retardation and developmental 39158  
disabilities, the legal rights service, and any interested person 39159  
may file complaints alleging violations of statute or department 39160  
rule relating to residential facilities with the department. All 39161

complaints shall be in writing and shall state the facts 39162  
constituting the basis of the allegation. The department shall not 39163  
reveal the source of any complaint unless the complainant agrees 39164  
in writing to waive the right to confidentiality or until so 39165  
ordered by a court of competent jurisdiction. 39166

The department shall adopt rules in accordance with Chapter 39167  
119. of the Revised Code establishing procedures for the receipt, 39168  
referral, investigation, and disposition of complaints filed with 39169  
the department under this division. 39170

~~(L)~~(M) The department shall establish procedures for the 39171  
notification of interested parties of the transfer or interim care 39172  
of residents from residential facilities that are closing or are 39173  
losing their license. 39174

~~(M)~~(N) Before issuing a license under this section to a 39175  
residential facility that will accommodate at any time more than 39176  
one mentally retarded or developmentally disabled individual, the 39177  
director shall, by first class mail, notify the following: 39178

(1) If the facility will be located in a municipal 39179  
corporation, the clerk of the legislative authority of the 39180  
municipal corporation; 39181

(2) If the facility will be located in unincorporated 39182  
territory, the clerk of the appropriate board of county 39183  
commissioners and the fiscal officer of the appropriate board of 39184  
township trustees. 39185

The director shall not issue the license for ten days after 39186  
mailing the notice, excluding Saturdays, Sundays, and legal 39187  
holidays, in order to give the notified local officials time in 39188  
which to comment on the proposed issuance. 39189

Any legislative authority of a municipal corporation, board 39190  
of county commissioners, or board of township trustees that 39191  
receives notice under this division of the proposed issuance of a 39192

license for a residential facility may comment on it in writing to 39193  
the director within ten days after the director mailed the notice, 39194  
excluding Saturdays, Sundays, and legal holidays. If the director 39195  
receives written comments from any notified officials within the 39196  
specified time, the director shall make written findings 39197  
concerning the comments and the director's decision on the 39198  
issuance of the license. If the director does not receive written 39199  
comments from any notified local officials within the specified 39200  
time, the director shall continue the process for issuance of the 39201  
license. 39202

~~(N)~~(O) Any person may operate a licensed residential facility 39203  
that provides room and board, personal care, habilitation 39204  
services, and supervision in a family setting for at least six but 39205  
not more than eight persons with mental retardation or a 39206  
developmental disability as a permitted use in any residential 39207  
district or zone, including any single-family residential district 39208  
or zone, of any political subdivision. These residential 39209  
facilities may be required to comply with area, height, yard, and 39210  
architectural compatibility requirements that are uniformly 39211  
imposed upon all single-family residences within the district or 39212  
zone. 39213

~~(O)~~(P) Any person may operate a licensed residential facility 39214  
that provides room and board, personal care, habilitation 39215  
services, and supervision in a family setting for at least nine 39216  
but not more than sixteen persons with mental retardation or a 39217  
developmental disability as a permitted use in any multiple-family 39218  
residential district or zone of any political subdivision, except 39219  
that a political subdivision that has enacted a zoning ordinance 39220  
or resolution establishing planned unit development districts may 39221  
exclude these residential facilities from those districts, and a 39222  
political subdivision that has enacted a zoning ordinance or 39223  
resolution may regulate these residential facilities in 39224

multiple-family residential districts or zones as a conditionally 39225  
permitted use or special exception, in either case, under 39226  
reasonable and specific standards and conditions set out in the 39227  
zoning ordinance or resolution to: 39228

(1) Require the architectural design and site layout of the 39229  
residential facility and the location, nature, and height of any 39230  
walls, screens, and fences to be compatible with adjoining land 39231  
uses and the residential character of the neighborhood; 39232

(2) Require compliance with yard, parking, and sign 39233  
regulation; 39234

(3) Limit excessive concentration of these residential 39235  
facilities. 39236

~~(P)~~(O) This section does not prohibit a political subdivision 39237  
from applying to residential facilities nondiscriminatory 39238  
regulations requiring compliance with health, fire, and safety 39239  
regulations and building standards and regulations. 39240

~~(Q)~~(R) Divisions ~~(N)~~(O) and ~~(O)~~(P) of this section are not 39241  
applicable to municipal corporations that had in effect on June 39242  
15, 1977, an ordinance specifically permitting in residential 39243  
zones licensed residential facilities by means of permitted uses, 39244  
conditional uses, or special exception, so long as such ordinance 39245  
remains in effect without any substantive modification. 39246

~~(R)~~(S)(1) The director may issue an interim license to 39247  
operate a residential facility to an applicant for a license under 39248  
this section if either of the following is the case: 39249

(a) The director determines that an emergency exists 39250  
requiring immediate placement of persons in a residential 39251  
facility, that insufficient licensed beds are available, and that 39252  
the residential facility is likely to receive a permanent license 39253  
under this section within thirty days after issuance of the 39254  
interim license. 39255

(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility. 39256  
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(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license. 39259  
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(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred fifty days. 39264  
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(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses. 39267  
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~~(S)~~(T) Notwithstanding rules adopted pursuant to this section establishing the maximum number of persons who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of persons being served by the facility on the effective date of the rules or the number of persons for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of mental retardation and developmental disabilities and which is in the review process prior to April 4, 1986. 39270  
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~~(T)~~(U) The director or the director's designee may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section. 39280  
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The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for 39285  
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an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or governmental agency named in the petition is operating a residential facility without a license. The court may grant the injunction, regardless of whether the residential facility meets the requirements for receiving a license under this section.

**Sec. 5123.196.** (A) Except as provided in division (F) of this section, the director of mental retardation and developmental disabilities shall not issue a license under section 5123.19 of the Revised Code on or after July 1, 2003, if issuance will result in there being more beds in all residential facilities licensed under that section than is permitted under division (B) of this section.

(B) Except as provided in division (D) of this section, the maximum number of beds for the purpose of division (A) of this section shall not exceed ten thousand eight hundred thirty-eight minus, except as provided in division (C) of this section, both of the following:

(1) The number of such beds that cease to be residential facility beds on or after July 1, 2003, because a residential facility license is revoked, terminated, or not renewed for any reason or is surrendered in accordance with section 5123.19 of the Revised Code and after the issuance of an adjudication order pursuant to Chapter 119. of the Revised Code;

(2) The number of such beds for which a licensee voluntarily converts to use for supported living on or after July 1, 2003.

(C) The director is not required to reduce the maximum number of beds pursuant to division (B) of this section by a bed that ceases to be a residential facility bed if the director determines that the bed is needed to provide services to an individual with

mental retardation or a developmental disability who resided in 39318  
the residential facility in which the bed was located unless the 39319  
reason the bed ceases to be a residential facility bed is because 39320  
it is converted to providing home and community-based services 39321  
under the ICF/MR conversion pilot program that is authorized by a 39322  
waiver sought under division (B)(1) of section 5111.88 of the 39323  
Revised Code. 39324

(D) The director shall increase the number of beds determined 39325  
under division (B) of this section if necessary to enable the 39326  
operator of a residential facility to do either of the following: 39327

(1) Obtain a residential facility license as required by 39328  
section 5111.8814 of the Revised Code; 39329

(2) Reconvert beds to providing ICF/MR services under section 39330  
5111.8811 of the Revised Code. 39331

(E) The director shall maintain an up-to-date written record 39332  
of the maximum number of residential facility beds provided for by 39333  
division (B) of this section. 39334

(F) The director may issue an interim license under division 39335  
~~(R)~~(S) of section 5123.19 of the Revised Code and issue, pursuant 39336  
to rules adopted under division ~~(G)~~(H)(11) of that section, a 39337  
waiver allowing a residential facility to admit more residents 39338  
than the facility is licensed to admit regardless of whether the 39339  
interim license or waiver will result in there being more beds in 39340  
all residential facilities licensed under that section than is 39341  
permitted under division (B) of this section. 39342

**Sec. 5123.198.** (A) As used in this section, "date of the 39343  
commitment" means the date that an individual specified in 39344  
division (B) of this section begins to reside in a state-operated 39345  
intermediate care facility for the mentally retarded after being 39346  
committed to the facility pursuant to sections 5123.71 to 5123.76 39347

of the Revised Code. 39348

(B) Except as provided in division (C) of this section, 39349  
whenever a resident of a residential facility is committed to a 39350  
state-operated intermediate care facility for the mentally 39351  
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 39352  
Code, the department of mental retardation and developmental 39353  
disabilities, pursuant to an adjudication order issued in 39354  
accordance with Chapter 119. of the Revised Code, shall reduce by 39355  
one the number of residents for which the facility in which the 39356  
resident resided is licensed. 39357

(C) The department shall not reduce under division (B) of 39358  
this section the number of residents for which a residential 39359  
facility is licensed if any of the following are the case: 39360

(1) The resident of the residential facility who is committed 39361  
to a state-operated intermediate care facility for the mentally 39362  
retarded resided in the residential facility because of the 39363  
closure, on or after ~~the effective date of this section~~ June 26, 39364  
2003, of another state-operated intermediate care facility for the 39365  
mentally retarded; 39366

(2) The residential facility admits within ninety days of the 39367  
date of the commitment an individual who resides on the date of 39368  
the commitment in a state-operated intermediate care facility for 39369  
the mentally retarded or another residential facility; 39370

(3) The department fails to do either of the following within 39371  
ninety days of the date of the commitment: 39372

(a) Identify an individual to whom all of the following 39373  
applies: 39374

(i) Resides on the date of the commitment in a state-operated 39375  
intermediate care facility for the mentally retarded or another 39376  
residential facility; 39377

(ii) Has indicated to the department an interest in 39378  
relocating to the residential facility or has a parent or guardian 39379  
who has indicated to the department an interest for the individual 39380  
to relocate to the residential facility; 39381

(iii) The department determines the individual has needs that 39382  
the residential facility can meet. 39383

(b) Provide the residential facility with information about 39384  
the individual identified under division (C)(2)(a) of this section 39385  
that the residential facility needs in order to determine whether 39386  
the facility can meet the individual's needs. 39387

(4) If the department completes the actions specified in 39388  
divisions (C)(3)(a) and (b) of this section not later than ninety 39389  
days after the date of the commitment and except as provided in 39390  
division (D) of this section, the residential facility does all of 39391  
the following not later than ninety days after the date of the 39392  
commitment: 39393

(a) Evaluates the information provided by the department; 39394

(b) Assesses the identified individual's needs; 39395

(c) Determines that the residential facility cannot meet the 39396  
identified individual's needs. 39397

(5) If the department completes the actions specified in 39398  
divisions (C)(3)(a) and (b) of this section not later than ninety 39399  
days after the date of the commitment and the residential facility 39400  
determines that the residential facility can meet the identified 39401  
individual's needs, the individual, or a parent or guardian of the 39402  
individual, refuses placement in the residential facility. 39403

(D) The department may reduce under division (B) of this 39404  
section the number of residents for which a residential facility 39405  
is licensed even though the residential facility completes the 39406  
actions specified in division (C)(4) of this section not later 39407

than ninety days after the date of the commitment if all of the 39408  
following are the case: 39409

(1) The department disagrees with the residential facility's 39410  
determination that the residential facility cannot meet the 39411  
identified individual's needs. 39412

(2) The department issues a written decision pursuant to the 39413  
uniform procedures for admissions, transfers, and discharges 39414  
established by rules adopted under division ~~(G)~~(H)(9) of section 39415  
5123.19 of the Revised Code that the residential facility should 39416  
admit the identified individual. 39417

(3) After the department issues the written decision 39418  
specified in division (D)(2) of this section, the residential 39419  
facility refuses to admit the identified individual. 39420

(E) A residential facility that admits, refuses to admit, 39421  
transfers, or discharges a resident under this section shall 39422  
comply with the uniform procedures for admissions, transfers, and 39423  
discharges established by rules adopted under division ~~(G)~~(H)(9) 39424  
of section 5123.19 of the Revised Code. 39425

(F) The department of mental retardation and developmental 39426  
disabilities may notify the department of job and family services 39427  
of any reduction under this section in the number of residents for 39428  
which a residential facility that is an intermediate care facility 39429  
for the mentally retarded is licensed. On receiving the notice, 39430  
the department of job and family services may transfer to the 39431  
department of mental retardation and developmental disabilities 39432  
the savings in the nonfederal share of medicaid expenditures for 39433  
each fiscal year after the year of the commitment to be used for 39434  
costs of the resident's care in the state-operated intermediate 39435  
care facility for the mentally retarded. In determining the amount 39436  
saved, the department of job and family services shall consider 39437  
medicaid payments for the remaining residents of the facility in 39438

which the resident resided. 39439

~~Sec. 5123.20. As used in this section, "supported living" has 39440  
the same meaning as in section 5126.01 of the Revised Code. 39441~~

No person or government agency shall operate a residential 39442  
facility or receive a mentally retarded or developmentally 39443  
disabled person as a resident of a residential facility unless the 39444  
facility is licensed under section 5123.19 of the Revised Code, 39445  
and no person or governmental agency shall operate a respite care 39446  
home or receive a mentally retarded or developmentally disabled 39447  
person in a respite care home unless the home is certified under 39448  
section 5126.05 of the Revised Code. 39449

~~No person or government agency shall provide supported living 39450  
unless that person or government agency is certified under section 39451  
5126.431 of the Revised Code. 39452~~

**Sec. 5123.211.** (A) As used in this section, "residential 39453  
services" and "~~supported living~~" have has the same meanings 39454  
meaning as in section 5126.01 of the Revised Code. 39455

(B) The department of mental retardation and developmental 39456  
disabilities shall provide or arrange provision of residential 39457  
services for each person who, on or after July 1, 1989, ceases to 39458  
be a resident of a state institution because of closure of the 39459  
institution or a reduction in the institution's population by 39460  
forty per cent or more within a period of one year. The services 39461  
shall be provided in the county in which the person chooses to 39462  
reside and shall consist of one of the following as determined 39463  
appropriate by the department in consultation with the county 39464  
board of mental retardation and developmental disabilities of the 39465  
county in which the services are to be provided: 39466

(1) Residential services provided pursuant to section 5123.18 39467  
of the Revised Code; 39468

(2) ~~Supported living provided pursuant to section 5123.182 of~~ 39469  
~~the Revised Code;~~ 39470

~~(3)~~ Residential services for which reimbursement is made 39471  
under the medical assistance program established under section 39472  
5111.01 of the Revised Code; 39473

~~(4)~~(3) Residential services provided in a manner or setting 39474  
approved by the director of mental retardation and developmental 39475  
disabilities. 39476

(C) Not less than six months prior to closing a state 39477  
institution or reducing a state institution's population by forty 39478  
per cent or more within a period of one year, the department shall 39479  
identify those counties in which individuals leaving the 39480  
institution have chosen to reside and notify the county boards of 39481  
mental retardation and developmental disabilities in those 39482  
counties of the need to develop the services specified in division 39483  
(B) of this section. The notice shall specify the number of 39484  
individuals requiring services who plan to reside in the county 39485  
and indicate the amount of funds the department will use to 39486  
provide or arrange services for those individuals. 39487

(D) In each county in which one or more persons receive 39488  
residential services pursuant to division (B) of this section, the 39489  
department shall provide or arrange provision of residential 39490  
services, or shall distribute moneys to the county board of mental 39491  
retardation and developmental disabilities to provide or arrange 39492  
provision of residential services, for an equal number of persons 39493  
with mental retardation or developmental disabilities in that 39494  
county who the county board has determined need residential 39495  
services but are not receiving them. 39496

**Sec. 5123.38.** (A) Except as provided in division (B) and (C) 39497  
of this section, if an individual receiving supported living or 39498  
home and community-based services, ~~as defined in section 5126.01~~ 39499

~~of the Revised Code,~~ funded by a county board of mental 39500  
retardation and developmental disabilities is committed to a 39501  
state-operated intermediate care facility for the mentally 39502  
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 39503  
Code, the department of mental retardation and developmental 39504  
disabilities shall use the funds otherwise allocated to the county 39505  
board as the nonfederal share of medicaid expenditures for the 39506  
individual's care in the state-operated facility. 39507

(B) Division (A) of this section does not apply if the county 39508  
board, not later than ninety days after the date of the commitment 39509  
of a person receiving supported services, commences funding of 39510  
supported living for an individual who resides in a state-operated 39511  
intermediate care facility for the mentally retarded on the date 39512  
of the commitment or another eligible individual designated by the 39513  
department. 39514

(C) Division (A) of this section does not apply if the county 39515  
board, not later than ninety days after the date of the commitment 39516  
of a person receiving home and community-based services, commences 39517  
funding of home and community-based services for an individual who 39518  
resides in a state-operated intermediate care facility for the 39519  
mentally retarded on the date of the commitment or another 39520  
eligible individual designated by the department. 39521

**Sec. 5123.41.** As used in this section and sections 5123.42 to 39522  
5123.47 of the Revised Code: 39523

(A) "Adult services" has the same meaning as in section 39524  
5126.01 of the Revised Code. 39525

~~(B) "Certified home and community based services provider" 39526  
means a person or government entity certified under section 39527  
5123.16 of the Revised Code. 39528~~

~~(C) "Certified supported living provider" means a person or 39529~~

government entity certified under section ~~5126.431~~ 5123.161 of the Revised Code. 39530  
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~~(D)~~(C) "Drug" has the same meaning as in section 4729.01 of the Revised Code. 39532  
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~~(E)~~(D) "Family support services" has the same meaning as in section 5126.01 of the Revised Code. 39534  
39535

~~(F)~~(E) "Health-related activities" means the following: 39536

(1) Taking vital signs; 39537

(2) Application of clean dressings that do not require health assessment; 39538  
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(3) Basic measurement of bodily intake and output; 39540

(4) Oral suctioning; 39541

(5) Use of glucometers; 39542

(6) External urinary catheter care; 39543

(7) Emptying and replacing colostomy bags; 39544

(8) Collection of specimens by noninvasive means. 39545

~~(G)~~(F) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code. 39546  
39547  
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~~(H)~~ "Medicaid" has the same meaning as in section 5111.01 of the Revised Code. 39549  
39550

~~(I)~~(G) "MR/DD personnel" means the employees and the workers under contract who provide specialized services to individuals with mental retardation and developmental disabilities. "MR/DD personnel" includes those who provide the services as follows: 39551  
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(1) Through direct employment with the department of mental retardation and developmental disabilities or a county board of mental retardation and developmental disabilities; 39555  
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(2) Through an entity under contract with the department of 39558  
mental retardation and developmental disabilities or a county 39559  
board of mental retardation and developmental disabilities; 39560

(3) Through direct employment or by being under contract with 39561  
private entities, including private entities that operate 39562  
residential facilities. 39563

~~(J)~~(H) "Nursing delegation" means the process established in 39564  
rules adopted by the board of nursing pursuant to Chapter 4723. of 39565  
the Revised Code under which a registered nurse or licensed 39566  
practical nurse acting at the direction of a registered nurse 39567  
transfers the performance of a particular nursing activity or task 39568  
to another person who is not otherwise authorized to perform the 39569  
activity or task. 39570

~~(K)~~(I) "Prescribed medication" means a drug that is to be 39571  
administered according to the instructions of a licensed health 39572  
professional authorized to prescribe drugs. 39573

~~(L)~~(J) "Residential facility" means a facility licensed under 39574  
section 5123.19 of the Revised Code or subject to section 5123.192 39575  
of the Revised Code. 39576

~~(M)~~(K) "Specialized services" has the same meaning as in 39577  
section 5123.50 of the Revised Code. 39578

~~(N)~~(L) "Tube feeding" means the provision of nutrition to an 39579  
individual through a gastrostomy tube or a jejunostomy tube. 39580

**Sec. 5123.51.** (A) In addition to any other action required by 39581  
sections 5123.61 and 5126.31 of the Revised Code, the department 39582  
of mental retardation and developmental disabilities shall review 39583  
each report the department receives of abuse or neglect of an 39584  
individual with mental retardation or a developmental disability 39585  
or misappropriation of an individual's property that includes an 39586  
allegation that an MR/DD employee committed or was responsible for 39587

the abuse, neglect, or misappropriation. The department shall 39588  
review a report it receives from a public children services agency 39589  
only after the agency completes its investigation pursuant to 39590  
section 2151.421 of the Revised Code. On receipt of a notice under 39591  
section 2930.061 or 5123.541 of the Revised Code, the department 39592  
shall review the notice. 39593

39594

(B) The department shall do both of the following: 39595

(1) Investigate the allegation or adopt the findings of an 39596  
investigation or review of the allegation conducted by another 39597  
person or government entity and determine whether there is a 39598  
reasonable basis for the allegation; 39599

(2) If the department determines that there is a reasonable 39600  
basis for the allegation, conduct an adjudication pursuant to 39601  
Chapter 119. of the Revised Code. 39602

(C)(1) The department shall appoint an independent hearing 39603  
officer to conduct any hearing conducted pursuant to division 39604  
(B)(2) of this section, except that, if the hearing is regarding 39605  
an employee of the department who is represented by a union, the 39606  
department and a representative of the union shall jointly select 39607  
the hearing officer. 39608

(2)(a) Except as provided in division (C)(2)(b) of this 39609  
section, no hearing shall be conducted under division (B)(2) of 39610  
this section until any criminal proceeding or collective 39611  
bargaining arbitration concerning the same allegation has 39612  
concluded. 39613

(b) The department may conduct a hearing pursuant to division 39614  
(B)(2) of this section before a criminal proceeding concerning the 39615  
same allegation is concluded if both of the following are the 39616  
case: 39617

(i) The department notifies the prosecutor responsible for 39618

the criminal proceeding that the department proposes to conduct a hearing. 39619  
39620

(ii) The prosecutor consents to the hearing. 39621

(3) In conducting a hearing pursuant to division (B)(2) of this section, the hearing officer shall do all of the following: 39622  
39623

(a) Determine whether there is clear and convincing evidence that the MR/DD employee has done any of the following: 39624  
39625

(i) Misappropriated property of one or more individuals with mental retardation or a developmental disability that has a value, either separately or taken together, of one hundred dollars or more; 39626  
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(ii) Misappropriated property of an individual with mental retardation or a developmental disability that is designed to be used as a check, draft, negotiable instrument, credit card, charge card, or device for initiating an electronic fund transfer at a point of sale terminal, automated teller machine, or cash dispensing machine; 39630  
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(iii) Knowingly abused such an individual; 39636

(iv) Recklessly abused or neglected such an individual, with resulting physical harm; 39637  
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(v) Negligently abused or neglected such an individual, with resulting serious physical harm; 39639  
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(vi) Recklessly neglected such an individual, creating a substantial risk of serious physical harm; 39641  
39642

(vii) Engaged in sexual conduct or had sexual contact with an individual with mental retardation or another developmental disability who was not the MR/DD employee's spouse and for whom the MR/DD employee was employed or under a contract to provide care; 39643  
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(viii) Unreasonably failed to make a report pursuant to 39648

division (C) of section 5123.61 of the Revised Code when the 39649  
employee knew or should have known that the failure would result 39650  
in a substantial risk of harm to an individual with mental 39651  
retardation or a developmental disability. 39652

(b) Give weight to the decision in any collective bargaining 39653  
arbitration regarding the same allegation; 39654

(c) Give weight to any relevant facts presented at the 39655  
hearing. 39656

(D)(1) Unless the director of mental retardation and 39657  
developmental disabilities determines that there are extenuating 39658  
circumstances and except as provided in division (E) of this 39659  
section, if the director, after considering all of the factors 39660  
listed in division (C)(3) of this section, finds that there is 39661  
clear and convincing evidence that an MR/DD employee has done one 39662  
or more of the things described in division (C)(3)(a) of this 39663  
section the director shall include the name of the employee in the 39664  
registry established under section 5123.52 of the Revised Code. 39665

(2) Extenuating circumstances the director must consider 39666  
include the use of physical force by an MR/DD employee that was 39667  
necessary as self-defense. 39668

(3) If the director includes an MR/DD employee in the 39669  
registry established under section 5123.52 of the Revised Code, 39670  
the director shall notify the employee, the person or government 39671  
entity that employs or contracts with the employee, the individual 39672  
with mental retardation or a developmental disability who was the 39673  
subject of the report and that individual's legal guardian, if 39674  
any, the attorney general, and the prosecuting attorney or other 39675  
law enforcement agency. If the MR/DD employee holds a license, 39676  
certificate, registration, or other authorization to engage in a 39677  
profession issued pursuant to Title XLVII of the Revised Code, the 39678  
director shall notify the appropriate agency, board, department, 39679

or other entity responsible for regulating the employee's professional practice. 39680  
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(4) If an individual whose name appears on the registry is involved in a court proceeding or arbitration arising from the same facts as the allegation resulting in the individual's placement on the registry, the disposition of the proceeding or arbitration shall be noted in the registry next to the individual's name. 39682  
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(E) In the case of an allegation concerning an employee of the department, after the hearing conducted pursuant to division (B)(2) of this section, the director of health or that director's designee shall review the decision of the hearing officer to determine whether the standard described in division (C)(3) of this section has been met. If the director or designee determines that the standard has been met and that no extenuating circumstances exist, the director or designee shall notify the director of mental retardation and developmental disabilities that the MR/DD employee is to be included in the registry established under section 5123.52 of the Revised Code. If the director of mental retardation and developmental disabilities receives such notification, the director shall include the MR/DD employee in the registry and shall provide the notification described in division (D)(3) of this section. 39688  
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(F) If the department is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the MR/DD employee subject to the notice does not timely request a hearing in accordance with section 119.07 or 5123.0414 of the Revised Code, the department is not required to hold a hearing. 39703  
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(G) Files and records of investigations conducted pursuant to this section are not public records as defined in section 149.43 of the Revised Code, but, on request, the department shall provide copies of those files and records to the attorney general, a 39708  
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prosecuting attorney, or a law enforcement agency. 39712

**Sec. 5123.60.** (A) A legal rights service is hereby created 39713  
and established to protect and advocate the rights of mentally ill 39714  
persons, mentally retarded persons, developmentally disabled 39715  
persons, and other disabled persons who may be represented by the 39716  
service pursuant to division (L) of this section; to receive and 39717  
act upon complaints concerning institutional and hospital 39718  
practices and conditions of institutions for mentally retarded or 39719  
developmentally disabled persons and hospitals for the mentally 39720  
ill; and to assure that all persons detained, hospitalized, 39721  
discharged, or institutionalized, and all persons whose detention, 39722  
hospitalization, discharge, or institutionalization is sought or 39723  
has been sought under this chapter or Chapter 5122. of the Revised 39724  
Code are fully informed of their rights and adequately represented 39725  
by counsel in proceedings under this chapter or Chapter 5122. of 39726  
the Revised Code and in any proceedings to secure the rights of 39727  
those persons. ~~Notwithstanding the definitions of "mentally~~ 39728  
~~retarded person" and "developmentally disabled person" in section~~ 39729  
~~5123.01 of the Revised Code, the legal rights service shall~~ 39730  
~~determine who is a mentally retarded or developmentally disabled~~ 39731  
~~person for purposes of this section and sections 5123.601 to~~ 39732  
~~5123.604 of the Revised Code. If the legal rights service obtains~~ 39733  
~~any information in furtherance of its duties and state or federal~~ 39734  
~~law requires the source of that information to maintain the~~ 39735  
~~information confidentially, the legal rights service shall~~ 39736  
~~maintain that information confidentially in accordance with the~~ 39737  
~~law applicable to the source of the information. The legal rights~~ 39738  
~~service may disclose such information only in accordance with the~~ 39739  
~~law applicable to the source of the information.~~ 39740

(B)(1) In regard to those persons detained, hospitalized, or 39741  
institutionalized under Chapter 5122. of the Revised Code, the 39742  
legal rights service shall undertake formal representation only of 39743

those persons who are involuntarily detained, hospitalized, or 39744  
institutionalized pursuant to sections 5122.10 to 5122.15 of the 39745  
Revised Code, and those voluntarily detained, hospitalized, or 39746  
institutionalized who are minors, who have been adjudicated 39747  
incompetent, who have been detained, hospitalized, or 39748  
institutionalized in a public hospital, or who have requested 39749  
representation by the legal rights service. ~~If~~ 39750

(2) If a person referred to in division (A) of this section 39751  
voluntarily requests in writing that the legal rights service 39752  
terminate participation in the person's case, such involvement 39753  
shall cease. 39754

(3) Persons described in divisions (A) and (B)(1) of this 39755  
section who are formally represented by the legal rights service 39756  
are clients of the legal rights service. 39757

(C) Any person voluntarily hospitalized or institutionalized 39758  
in a public hospital under division (A) of section 5122.02 of the 39759  
Revised Code, after being fully informed of the person's rights 39760  
under division (A) of this section, may, by written request, waive 39761  
assistance by the legal rights service if the waiver is knowingly 39762  
and intelligently made, without duress or coercion. 39763

The waiver may be rescinded at any time by the voluntary 39764  
patient or resident, or by the voluntary patient's or resident's 39765  
legal guardian. 39766

(D)(1) The legal rights service commission is hereby created 39767  
for the purposes of appointing an administrator of the legal 39768  
rights service, advising the administrator, assisting the 39769  
administrator in developing a budget, advising the administrator 39770  
in establishing and annually reviewing a strategic plan, creating 39771  
a procedure for filing and determination of grievances against the 39772  
legal rights service, and establishing general policy guidelines, 39773  
including guidelines for the commencement of litigation, for the 39774

legal rights service. The commission may adopt rules to carry 39775  
these purposes into effect and may receive and act upon appeals of 39776  
personnel decisions by the administrator. 39777

(2) The commission shall consist of seven members. One 39778  
member, who shall serve as chairperson, shall be appointed by the 39779  
chief justice of the supreme court, three members shall be 39780  
appointed by the speaker of the house of representatives, and 39781  
three members shall be appointed by the president of the senate. 39782  
At least two members shall have experience in the field of 39783  
developmental disabilities, and at least two members shall have 39784  
experience in the field of mental health. No member shall be a 39785  
provider or related to a provider of services to mentally 39786  
retarded, developmentally disabled, or mentally ill persons. 39787

(3) Terms of office of the members of the commission shall be 39788  
for three years, each term ending on the same day of the month of 39789  
the year as did the term which it succeeds. Each member shall 39790  
serve subsequent to the expiration of the member's term until a 39791  
successor is appointed and qualifies, or until sixty days has 39792  
elapsed, whichever occurs first. No member shall serve more than 39793  
two consecutive terms. 39794

All vacancies in the membership of the commission shall be 39795  
filled in the manner prescribed for regular appointments to the 39796  
commission and shall be limited to the unexpired terms. 39797

(4) The commission shall meet at least four times each year. 39798  
Members shall be reimbursed for their necessary and actual 39799  
expenses incurred in the performance of their official duties. 39800

(5) The administrator of the legal rights service shall serve 39801  
at the pleasure of the commission. 39802

The administrator shall be a person who has had special 39803  
training and experience in the type of work with which the legal 39804  
rights service is charged. If the administrator is not an 39805

attorney, the administrator shall seek legal counsel when 39806  
appropriate. The salary of the administrator shall be established 39807  
in accordance with section 124.14 of the Revised Code. 39808

(E) The legal rights service shall be completely independent 39809  
of the department of mental health and the department of mental 39810  
retardation and developmental disabilities and, notwithstanding 39811  
section 109.02 of the Revised Code, shall also be independent of 39812  
the office of the attorney general. The administrator of the legal 39813  
rights service, staff, and attorneys designated by the 39814  
administrator to represent persons detained, hospitalized, or 39815  
institutionalized under this chapter or Chapter 5122. of the 39816  
Revised Code shall have ready access to the following: 39817

~~(1) During normal business hours and at other reasonable 39818  
times, all records relating to expenditures of state and federal 39819  
funds or to the commitment, care, treatment, and habilitation of 39820  
all persons represented by the legal rights service, including 39821  
those who may be represented pursuant to division (L) of this 39822  
section, or persons detained, hospitalized, institutionalized, or 39823  
receiving services under this chapter or Chapter 340., 5119., 39824  
5122., or 5126. of the Revised Code that are records maintained by 39825  
the following entities providing services for those persons: 39826  
departments; institutions; hospitals; community residential 39827  
facilities; boards of alcohol, drug addiction, and mental health 39828  
services; county boards of mental retardation and developmental 39829  
disabilities; contract agencies of those boards; and any other 39830  
entity providing services to persons who may be represented by the 39831  
service pursuant to division (L) of this section; 39832~~

~~(2) Any records maintained in computerized data banks of the 39833  
departments or boards or, in the case of persons who may be 39834  
represented by the service pursuant to division (L) of this 39835  
section, any other entity that provides services to those persons; 39836~~

~~(3) During their normal working hours, personnel of the 39837~~

~~departments, facilities, boards, agencies, institutions,~~ 39838  
~~hospitals, and other service providing entities;~~ 39839

~~(4) At any time, all persons detained, hospitalized, or~~ 39840  
~~institutionalized; persons receiving services under this chapter~~ 39841  
~~or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and~~ 39842  
~~persons who may be represented by the service pursuant to division~~ 39843  
~~(L) of this section all records of mentally ill persons, mentally~~ 39844  
~~retarded persons, and developmentally disabled persons in~~ 39845  
~~accordance with 42 U.S.C. 10805 and 15043.~~ 39846

(F) The administrator of the legal rights service shall do 39847  
the following: 39848

(1) Administer and organize the work of the legal rights 39849  
service and establish administrative or geographic divisions as 39850  
the administrator considers necessary, proper, and expedient; 39851

(2) Adopt and promulgate rules that are not in conflict with 39852  
rules adopted by the commission and prescribe duties for the 39853  
efficient conduct of the business and general administration of 39854  
the legal rights service; 39855

(3) Appoint and discharge employees, and hire experts, 39856  
consultants, advisors, or other professionally qualified persons 39857  
as the administrator considers necessary to carry out the duties 39858  
of the legal rights service; 39859

(4) Apply for and accept grants of funds, and accept 39860  
charitable gifts and bequests; 39861

(5) Prepare and submit a budget to the general assembly for 39862  
the operation of the legal rights service. At least thirty days 39863  
prior to submitting the budget to the general assembly, the 39864  
administrator shall provide a copy of the budget to the commission 39865  
for review and comment. When submitting the budget to the general 39866  
assembly, the administrator shall include a copy of any written 39867  
comments returned by the commission to the administrator. 39868

(6) Enter into contracts and make expenditures necessary for the efficient operation of the legal rights service;	39869 39870
(7) Annually prepare a report of activities and submit copies of the report to the governor, the chief justice of the supreme court, the president of the senate, the speaker of the house of representatives, the director of mental health, and the director of mental retardation and developmental disabilities, and make the report available to the public;	39871 39872 39873 39874 39875 39876
(8) Upon request of the commission or of the chairperson of the commission, report to the commission on specific litigation issues or activities.	39877 39878 39879
(G)(1) The legal rights service may act directly or contract with other organizations or individuals for the provision of the services envisioned under this section.	39880 39881 39882
(2) Whenever possible, the administrator shall attempt to facilitate the resolution of complaints through administrative channels. Subject to division (G)(3) of this section, if attempts at administrative resolution prove unsatisfactory, the administrator may pursue any legal, administrative, and other appropriate remedies or approaches that may be necessary to accomplish the purposes of this section.	39883 39884 39885 39886 39887 39888 39889
(3) The administrator may not pursue a class action lawsuit under division (G)(2) of this section when attempts at administrative resolution of a complaint prove unsatisfactory under that division unless both of the following have first occurred:	39890 39891 39892 39893 39894
(a) At least four members of the commission, by their affirmative vote, have consented to the pursuit of the class action lawsuit;	39895 39896 39897
(b) At least five members of the commission are present at the meeting of the commission at which that consent is obtained.	39898 39899

(4) Subject to division (G)(5) of this section, relationships between personnel and the agents of the legal rights service and its clients shall be fiduciary relationships, and all communications shall be confidential, as if between attorney and client.

(5) Any person who has been represented by the legal rights service or who has applied for and been denied representation and who files a grievance with the service concerning the representation or application may appeal the decision of the service on the grievance to the commission. The person may appeal notwithstanding any objections of the person's legal guardian. The commission may examine any records relevant to the appeal and shall maintain the confidentiality of any records that are required to be kept confidential.

(H) The legal rights service, on the order of the administrator, with the approval by an affirmative vote of at least four members of the commission, may compel by subpoena the appearance and sworn testimony of any person the administrator reasonably believes may be able to provide information or to produce any documents, books, records, papers, or other information necessary to carry out its duties.

(I) The legal rights service may conduct public hearings.

(J) The legal rights service may request from any governmental agency any cooperation, assistance, services, or data that will enable it to perform its duties.

(K) In any malpractice action filed against the administrator of the legal rights service, a member of the staff of the legal rights service, or an attorney designated by the administrator to perform legal services under division (E) of this section, the state shall, when the administrator, member, or attorney has acted in good faith and in the scope of employment, indemnify the

administrator, member, or attorney for any judgment awarded or 39931  
amount negotiated in settlement, and for any court costs or legal 39932  
fees incurred in defense of the claim. 39933

This division does not limit or waive, and shall not be 39934  
construed to limit or waive, any defense that is available to the 39935  
legal rights service, its administrator or employees, persons 39936  
under a personal services contract with it, or persons designated 39937  
under division (E) of this section, including, but not limited to, 39938  
any defense available under section 9.86 of the Revised Code. 39939

(L) In addition to providing services to mentally ill, 39940  
mentally retarded, or developmentally disabled persons, when a 39941  
grant authorizing the provision of services to other individuals 39942  
is accepted pursuant to division (F)(4) of this section, the legal 39943  
rights service and its ombudsperson section may provide advocacy 39944  
or ombudsperson services to those other individuals and exercise 39945  
any other authority granted by this section or sections 5123.601 39946  
to 5123.604 of the Revised Code on behalf of those individuals. 39947  
Determinations of whether an individual is eligible for services 39948  
under this division shall be made by the legal rights service. 39949

(M) As used in this section and sections 5123.601 to 5123.604 39950  
of the Revised Code, "mentally ill person" means a person to whom 39951  
both of the following apply: 39952

(1) The person has a significant mental illness or emotional 39953  
impairment, as determined by a mental health professional 39954  
qualified under the laws and rules of this state. 39955

(2) One of the following applies to the person: 39956

(a) The person is an inpatient or resident in a facility 39957  
rendering care or treatment, even if the whereabouts of the person 39958  
are unknown. 39959

(b) The person is in the process of being admitted to a 39960  
facility rendering care or treatment, including persons being 39961

transported to such a facility. 39962

(c) The person is involuntarily confined in a municipal 39963  
detention facility for reasons other than serving a sentence 39964  
resulting from conviction of or plea of guilty to a criminal 39965  
offense. 39966

(d) The person lives in a community setting, including the 39967  
person's own home. 39968

**Sec. 5123.602.** The ~~ombudsman~~ ombudsperson section of the 39969  
legal rights service ~~may, in order to carry out its duties under 39970  
this chapter, make necessary inquiries and obtain information it 39971  
considers necessary. For those purposes the section shall have 39972  
ready access to the premises and records of all providers of 39973  
services to mentally retarded, developmentally disabled, or 39974  
mentally ill persons and shall have the right to communicate in a 39975  
private and confidential setting with any mentally retarded, 39976  
developmentally disabled, or mentally ill persons, and with their 39977  
parents, guardians, or advocates, ~~and with employees of any 39978  
provider.~~ 39979~~

**Sec. 5123.603.** The ~~ombudsman~~ ombudsperson section of the 39980  
legal rights service shall: 39981

(A) Publicize its existence, functions, and activities, and 39982  
the procedures for filing a complaint under section 5123.601 of 39983  
the Revised Code, and send this information in written form to 39984  
each provider with instructions that the information is to be 39985  
posted in a conspicuous place accessible to residents, visitors, 39986  
and employees; 39987

(B) ~~Maintain the confidentiality of all its records and 39988  
files;~~ 39989

~~(C) Not be required to testify in any court with respect to 39990  
any matters it is required to maintain as confidential;~~ 39991

~~(D)~~(C) Collect, compile, and analyze data relating to 39992  
complaints, investigations, or other actions or conditions, for 39993  
the purpose of helping prepare the annual report required by 39994  
division (F)(7) of section 5123.60 of the Revised Code and 39995  
identifying and resolving significant systemic problems affecting 39996  
mentally retarded, developmentally disabled, or mentally ill 39997  
persons; 39998

~~(E)~~(D) Recommend or propose to other governmental agencies 39999  
changes in policies and rules that affect mentally retarded, 40000  
developmentally disabled, or mentally ill persons; 40001

~~(F)~~(E) Establish, maintain, and publicize a toll-free number 40002  
for receiving complaints. 40003

**Sec. 5123.604.** (A) No one shall take a discriminatory, 40004  
disciplinary, or retaliatory action against any officer or 40005  
employee of a provider, any mentally retarded, developmentally 40006  
disabled, or mentally ill person, the parents or guardian of a 40007  
mentally retarded, developmentally disabled, or mentally ill 40008  
person, or any volunteer or advocate for a mentally retarded, 40009  
developmentally disabled, or mentally ill person, for any 40010  
communication these persons make or information they disclose in 40011  
good faith to the ombudsperson section of the legal rights 40012  
service. 40013

(B) No person shall knowingly interfere with lawful actions 40014  
of the ombudsperson section, refuse entry to its representatives, 40015  
fail to comply with its lawful demands, or offer any compensation, 40016  
gratuity, or promise thereof in an effort to influence the outcome 40017  
of any matter being considered by the section. 40018

(C) The department of mental retardation and developmental 40019  
disabilities shall immediately notify the ombudsperson section of 40020  
all investigations of major unusual incidents or life-threatening 40021  
situations, as defined in rules adopted by the department, 40022

involving mentally retarded and developmentally disabled persons, 40023  
and shall furnish copies of all relevant reports within 40024  
forty-eight hours after receipt. The department of mental health 40025  
shall notify the ombudsperson section of all ~~major unusual~~ 40026  
reportable incidents ~~or life-threatening situations~~, as defined in 40027  
rules adopted by the department, involving mentally ill persons 40028  
within forty-eight hours after receipt of the report of the 40029  
incident ~~or situation~~. The departments of health and job and 40030  
family services shall notify the department of mental retardation 40031  
and developmental disabilities of all allegations and 40032  
investigations of abuse, neglect, or life-threatening situations 40033  
involving mentally retarded or developmentally disabled persons. 40034  
Any other state agency with information concerning abuse, neglect, 40035  
or life-threatening situations involving mentally retarded or 40036  
developmentally disabled persons shall report that information 40037  
immediately to the department of mental retardation and 40038  
developmental disabilities. 40039

Nothing in this section or section 5123.60, 5123.601, or 40040  
5123.602 of the Revised Code shall preclude any department or 40041  
board, its contract agencies, a community residential facility, or 40042  
other governmental entity from carrying out its responsibility as 40043  
prescribed by law. 40044

Sec. 5123.605. There is hereby created in the state treasury 40045  
the program income fund. Revenue generated from settlements, 40046  
gifts, donations, and other sources of legal rights service 40047  
program income shall be credited to the fund. The program income 40048  
fund shall be used to support legal rights service programs for 40049  
purposes from which the income was derived and for the general 40050  
support of legal rights service programs. 40051

Sec. 5123.99. (A) Whoever violates section 5123.16 or 5123.20 40052  
of the Revised Code is guilty of a misdemeanor of the first 40053

degree. 40054

(B) Whoever violates division (C), (E), or (G)(3) of section 40055  
5123.61 of the Revised Code is guilty of a misdemeanor of the 40056  
fourth degree or, if the abuse or neglect constitutes a felony, a 40057  
misdemeanor of the second degree. In addition to any other 40058  
sanction or penalty authorized or required by law, if a person who 40059  
is convicted of or pleads guilty to a violation of division (C), 40060  
(E), or (G)(3) of section 5123.61 of the Revised Code is an MR/DD 40061  
employee, as defined in section 5123.50 of the Revised Code, the 40062  
offender shall be eligible to be included in the registry 40063  
regarding misappropriation, abuse, neglect, or other specified 40064  
misconduct by MR/DD employees established under section 5123.52 of 40065  
the Revised Code. 40066

(C) Whoever violates division (A) of section 5123.604 of the 40067  
Revised Code is guilty of a misdemeanor of the second degree. 40068

(D) Whoever violates division (B) of section 5123.604 of the 40069  
Revised Code shall be fined not more than one thousand dollars. 40070  
Each violation constitutes a separate offense. 40071

**Sec. 5126.038.** (A)~~(1)~~ As used in this section, "professional 40072  
services" means all of the following services provided on behalf 40073  
of a county board of mental retardation and developmental 40074  
disabilities, members or employees of a county board, or both: 40075

~~(a)~~(1) Lobbying and other governmental affairs services; 40076

~~(b)~~(2) Legal services other than the legal services provided 40077  
by a county prosecutor or provided for the purpose of collective 40078  
bargaining; 40079

~~(c)~~(3) Public relation services; 40080

~~(d)~~(4) Consulting services; 40081

~~(e)~~(5) Personnel training services, not including tuition or 40082  
professional growth reimbursement programs for county board 40083

members or employees. 40084

~~(2) "Professional services" does not mean services provided 40085  
pursuant to a service contract as defined in section 5126.035 of 40086  
the Revised Code. 40087~~

(B) Each county board of mental retardation and developmental 40088  
disabilities shall submit to the board of county commissioners of 40089  
each county that is served by the county board, in accordance with 40090  
the normal budget process and as part of its budget request, a 40091  
list identifying the total expenditures projected for any of the 40092  
following: 40093

(1) Any membership dues of the members or employees of the 40094  
county board, in any organization, association, or other entity; 40095

(2) Any professional services of the county board, its 40096  
members or employees, or both; 40097

(3) Any training of the members or employees of the county 40098  
board. 40099

**Sec. 5126.042.** (A) As used in this section, "emergency" means 40100  
any situation that creates for an individual with mental 40101  
retardation or developmental disabilities a risk of substantial 40102  
self-harm or substantial harm to others if action is not taken 40103  
within thirty days. An "emergency" may include one or more of the 40104  
following situations: 40105

(1) Loss of present residence for any reason, including legal 40106  
action; 40107

(2) Loss of present caretaker for any reason, including 40108  
serious illness of the caretaker, change in the caretaker's 40109  
status, or inability of the caretaker to perform effectively for 40110  
the individual; 40111

(3) Abuse, neglect, or exploitation of the individual; 40112

(4) Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death;

(5) Change in the emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker.

(B) If a county board of mental retardation and developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request programs and services and may be offered the programs and services, it shall establish waiting lists for services. The board may establish priorities for making placements on its waiting lists according to an individual's emergency status and shall establish priorities in accordance with divisions (D) and (E) of this section.

The individuals who may be placed on a waiting list include individuals with a need for services on an emergency basis and individuals who have requested services for which resources are not available.

Except for an individual who is to receive priority for services pursuant to division (D)(3) of this section, an individual who currently receives a service but would like to change to another service shall not be placed on a waiting list but shall be placed on a service substitution list. The board shall work with the individual, service providers, and all appropriate entities to facilitate the change in service as expeditiously as possible. The board may establish priorities for making placements on its service substitution lists according to an individual's emergency status.

In addition to maintaining waiting lists and service substitution lists, a board shall maintain a long-term service planning registry for individuals who wish to record their

intention to request in the future a service they are not 40144  
currently receiving. The purpose of the registry is to enable the 40145  
board to document requests and to plan appropriately. The board 40146  
may not place an individual on the registry who meets the 40147  
conditions for receipt of services on an emergency basis. 40148

(C) A county board shall establish a separate waiting list 40149  
for each of the following categories of services, and may 40150  
establish separate waiting lists within the waiting lists: 40151

(1) Early childhood services; 40152

(2) Educational programs for preschool and school age 40153  
children; 40154

(3) Adult services; 40155

(4) Service and support administration; 40156

(5) Residential services and supported living; 40157

(6) Transportation services; 40158

(7) Other services determined necessary and appropriate for 40159  
persons with mental retardation or a developmental disability 40160  
according to their individual habilitation or service plans; 40161

(8) Family support services provided under section 5126.11 of 40162  
the Revised Code. 40163

(D) Except as provided in division (G) of this section, a 40164  
county board shall do, as priorities, all of the following in 40165  
accordance with the assessment component, approved under section 40166  
5123.046 of the Revised Code, of the county board's plan developed 40167  
under section 5126.054 of the Revised Code: 40168

(1) For the purpose of obtaining additional federal medicaid 40169  
funds for home and community-based services and medicaid case 40170  
management services, do both of the following: 40171

(a) Give an individual who is eligible for home and 40172

community-based services and meets both of the following 40173  
requirements priority over any other individual on a waiting list 40174  
established under division (C) of this section for home and 40175  
community-based services that include supported living, 40176  
residential services, or family support services: 40177

- (i) Is twenty-two years of age or older; 40178
- (ii) Receives supported living or family support services. 40179

(b) Give an individual who is eligible for home and 40180  
community-based services and meets both of the following 40181  
requirements priority over any other individual on a waiting list 40182  
established under division (C) of this section for home and 40183  
community-based services that include adult services: 40184

- (i) Resides in the individual's own home or the home of the 40185  
individual's family and will continue to reside in that home after 40186  
enrollment in home and community-based services; 40187
- (ii) Receives adult services from the county board. 40188

(2) As federal medicaid funds become available pursuant to 40189  
division (D)(1) of this section, give an individual who is 40190  
eligible for home and community-based services and meets any of 40191  
the following requirements priority for such services over any 40192  
other individual on a waiting list established under division (C) 40193  
of this section: 40194

- (a) Does not receive residential services or supported 40195  
living, either needs services in the individual's current living 40196  
arrangement or will need services in a new living arrangement, and 40197  
has a primary caregiver who is sixty years of age or older; 40198
- (b) Is less than twenty-two years of age and has at least one 40199  
of the following service needs that are unusual in scope or 40200  
intensity: 40201

- (i) Severe behavior problems for which a behavior support 40202

plan is needed; 40203

(ii) An emotional disorder for which anti-psychotic medication is needed; 40204  
40205

(iii) A medical condition that leaves the individual dependent on life-support medical technology; 40206  
40207

(iv) A condition affecting multiple body systems for which a combination of specialized medical, psychological, educational, or habilitation services are needed; 40208  
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(v) A condition the county board determines to be comparable in severity to any condition described in ~~division~~ divisions (D)(2)(b)(i) to (iv) of this section and places the individual at significant risk of institutionalization. 40211  
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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. 40215  
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(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 40219  
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individuals' assessed needs. 40234

(E) Except as provided in division (G) of this section and 40235  
for a number of years and beginning on a date specified in rules 40236  
adopted under division (K) of this section, a county board shall 40237  
give an individual who is eligible for home and community-based 40238  
services, resides in a nursing facility, and chooses to move to 40239  
another setting with the help of home and community-based 40240  
services, priority over any other individual on a waiting list 40241  
established under division (C) of this section for home and 40242  
community-based services who does not meet these criteria. 40243

(F) If two or more individuals on a waiting list established 40244  
under division (C) of this section for home and community-based 40245  
services have priority for the services pursuant to division 40246  
(D)(1) or (2) or (E) of this section, a county board may use, 40247  
until December 31, ~~2007~~ 2009, criteria specified in rules adopted 40248  
under division (K)(2) of this section in determining the order in 40249  
which the individuals with priority will be offered the services. 40250  
Otherwise, the county board shall offer the home and 40251  
community-based services to such individuals in the order they are 40252  
placed on the waiting list. 40253

(G)(1) No individual may receive priority for services 40254  
pursuant to division (D) or (E) of this section over an individual 40255  
placed on a waiting list established under division (C) of this 40256  
section on an emergency status. 40257

(2) No more than four hundred individuals in the state may 40258  
receive priority for services during the ~~2006~~ 2008 and ~~2007~~ 2009 40259  
biennium pursuant to division (D)(2)(b) of this section. 40260

(3) No more than a total of seventy-five individuals in the 40261  
state may receive priority for services during state fiscal years 40262  
2002 and 2003 pursuant to division (D)(3) of this section. 40263

(4) No more than forty individuals in the state may receive 40264

priority for services pursuant to division (E) of this section for 40265  
each year that priority category is in effect as specified in 40266  
rules adopted under division (K) of this section. 40267

(H) Prior to establishing any waiting list under this 40268  
section, a county board shall develop and implement a policy for 40269  
waiting lists that complies with this section and rules adopted 40270  
under division (K) of this section. 40271

Prior to placing an individual on a waiting list, the county 40272  
board shall assess the service needs of the individual in 40273  
accordance with all applicable state and federal laws. The county 40274  
board shall place the individual on the appropriate waiting list 40275  
and may place the individual on more than one waiting list. The 40276  
county board shall notify the individual of the individual's 40277  
placement and position on each waiting list on which the 40278  
individual is placed. 40279

At least annually, the county board shall reassess the 40280  
service needs of each individual on a waiting list. If it 40281  
determines that an individual no longer needs a program or 40282  
service, the county board shall remove the individual from the 40283  
waiting list. If it determines that an individual needs a program 40284  
or service other than the one for which the individual is on the 40285  
waiting list, the county board shall provide the program or 40286  
service to the individual or place the individual on a waiting 40287  
list for the program or service in accordance with the board's 40288  
policy for waiting lists. 40289

When a program or service for which there is a waiting list 40290  
becomes available, the county board shall reassess the service 40291  
needs of the individual next scheduled on the waiting list to 40292  
receive that program or service. If the reassessment demonstrates 40293  
that the individual continues to need the program or service, the 40294  
board shall offer the program or service to the individual. If it 40295  
determines that an individual no longer needs a program or 40296

service, the county board shall remove the individual from the 40297  
waiting list. If it determines that an individual needs a program 40298  
or service other than the one for which the individual is on the 40299  
waiting list, the county board shall provide the program or 40300  
service to the individual or place the individual on a waiting 40301  
list for the program or service in accordance with the board's 40302  
policy for waiting lists. The county board shall notify the 40303  
individual of the individual's placement and position on the 40304  
waiting list on which the individual is placed. 40305

(I) A child subject to a determination made pursuant to 40306  
section 121.38 of the Revised Code who requires the home and 40307  
community-based services provided through a medicaid component 40308  
that the department of mental retardation and developmental 40309  
disabilities administers under section 5111.871 of the Revised 40310  
Code shall receive services through that medicaid component. For 40311  
all other services, a child subject to a determination made 40312  
pursuant to section 121.38 of the Revised Code shall be treated as 40313  
an emergency by the county boards and shall not be subject to a 40314  
waiting list. 40315

(J) Not later than the fifteenth day of March of each 40316  
even-numbered year, each county board shall prepare and submit to 40317  
the director of mental retardation and developmental disabilities 40318  
its recommendations for the funding of services for individuals 40319  
with mental retardation and developmental disabilities and its 40320  
proposals for reducing the waiting lists for services. 40321

(K)(1) The department of mental retardation and developmental 40322  
disabilities shall adopt rules in accordance with Chapter 119. of 40323  
the Revised Code governing waiting lists established under this 40324  
section. The rules shall include procedures to be followed to 40325  
ensure that the due process rights of individuals placed on 40326  
waiting lists are not violated. 40327

(2) As part of the rules adopted under this division, the 40328

department shall adopt rules establishing criteria a county board 40329  
may use under division (F) of this section in determining the 40330  
order in which individuals with priority for home and 40331  
community-based services will be offered the services. The rules 40332  
shall also specify conditions under which a county board, when 40333  
there is no individual with priority for home and community-based 40334  
services pursuant to division (D)(1) or (2) or (E) of this section 40335  
available and appropriate for the services, may offer the services 40336  
to an individual on a waiting list for the services but not given 40337  
such priority for the services. The rules adopted under division 40338  
(K)(2) of this section shall cease to have effect December 31, 40339  
~~2007~~ 2009. 40340

(3) As part of the rules adopted under this division, the 40341  
department shall adopt rules specifying both of the following for 40342  
the priority category established under division (E) of this 40343  
section: 40344

(a) The number of years, which shall not exceed five, that 40345  
the priority category will be in effect; 40346

(b) The date that the priority category is to go into effect. 40347

(L) The following shall take precedence over the applicable 40348  
provisions of this section: 40349

(1) Medicaid rules and regulations; 40350

(2) Any specific requirements that may be contained within a 40351  
medicaid state plan amendment or waiver program that a county 40352  
board has authority to administer or with respect to which it has 40353  
authority to provide services, programs, or supports. 40354

**Sec. 5126.046.** (A) Each county board of mental retardation 40355  
and developmental disabilities that has medicaid local 40356  
administrative authority under division (A) of section 5126.055 of 40357  
the Revised Code for habilitation, vocational, or community 40358

employment services provided as part of home and community-based 40359  
services shall create a list of all persons and government 40360  
entities eligible to provide such habilitation, vocational, or 40361  
community employment services. If the county board chooses and is 40362  
eligible to provide such habilitation, vocational, or community 40363  
employment services, the county board shall include itself on the 40364  
list. The county board shall make the list available to each 40365  
individual with mental retardation or other developmental 40366  
disability who resides in the county and is eligible for such 40367  
habilitation, vocational, or community employment services. The 40368  
county board shall also make the list available to such 40369  
individuals' families. 40370

An individual with mental retardation or other developmental 40371  
disability who is eligible for habilitation, vocational, or 40372  
community employment services may choose the provider of the 40373  
services. 40374

~~A county board that has medicaid local administrative 40375  
authority under division (A) of section 5126.055 of the Revised 40376  
Code for habilitation, vocational, and community employment 40377  
services provided as part of home and community based services 40378  
shall pay the nonfederal share of the habilitation, vocational, 40379  
and community employment services when required by section 40380  
5126.057 of the Revised Code. The department of mental retardation 40381  
and developmental disabilities shall pay the nonfederal share of 40382  
such habilitation, vocational, and community employment services 40383  
when required by section 5123.047 of the Revised Code. 40384~~

(B) Each month, the department of mental retardation and 40385  
developmental disabilities shall create a list of all persons and 40386  
government entities eligible to provide residential services and 40387  
supported living. The department shall include on the list all 40388  
residential facilities licensed under section 5123.19 of the 40389  
Revised Code and all supported living providers certified under 40390

section ~~5126.431~~ 5123.161 of the Revised Code. The department 40391  
shall distribute the monthly lists to county boards that have 40392  
local administrative authority under division (A) of section 40393  
5126.055 of the Revised Code for residential services and 40394  
supported living provided as part of home and community-based 40395  
services. A county board that receives a list shall make it 40396  
available to each individual with mental retardation or other 40397  
developmental disability who resides in the county and is eligible 40398  
for such residential services or supported living. The county 40399  
board shall also make the list available to the families of those 40400  
individuals. 40401

An individual who is eligible for residential services or 40402  
supported living may choose the provider of the residential 40403  
services or supported living. 40404

~~A county board that has medicaid local administrative 40405  
authority under division (A) of section 5126.055 of the Revised 40406  
Code for residential services and supported living provided as 40407  
part of home and community based services shall pay the nonfederal 40408  
share of the residential services and supported living when 40409  
required by section 5126.057 of the Revised Code. The department 40410  
shall pay the nonfederal share of the residential services and 40411  
supported living when required by section 5123.047 of the Revised 40412  
Code. 40413~~

(C) If a county board that has medicaid local administrative 40414  
authority under division (A) of section 5126.055 of the Revised 40415  
Code for home and community-based services violates the right 40416  
established by this section of an individual to choose a provider 40417  
that is qualified and willing to provide services to the 40418  
individual, the individual shall receive timely notice that the 40419  
individual may request a hearing under section 5101.35 of the 40420  
Revised Code. 40421

(D) The departments of mental retardation and developmental 40422

disabilities and job and family services shall adopt rules in 40423  
accordance with Chapter 119. of the Revised Code governing the 40424  
implementation of this section. The rules shall include procedures 40425  
for individuals to choose their service providers. The rules shall 40426  
not be limited by a provider selection system established under 40427  
section 5126.42 of the Revised Code, including any pool of 40428  
providers created pursuant to a provider selection system. 40429

**Sec. 5126.054.** (A) Each county board of mental retardation 40430  
and developmental disabilities shall, by resolution, develop a 40431  
three-calendar year plan that includes the following four 40432  
components: 40433

(1) An assessment component that includes all of the 40434  
following: 40435

(a) The number of individuals with mental retardation or 40436  
other developmental disability residing in the county who need the 40437  
level of care provided by an intermediate care facility for the 40438  
mentally retarded, may seek home and community-based services, are 40439  
given priority for the services pursuant to division (D) of 40440  
section 5126.042 of the Revised Code; the service needs of those 40441  
individuals; and the projected annualized cost for services; 40442

(b) The source of funds available to the county board to pay 40443  
the nonfederal share of medicaid expenditures that the county 40444  
board is required by ~~division (A) of section 5126.057~~ sections 40445  
5126.059 and 5126.0510 of the Revised Code to pay; 40446

(c) Any other applicable information or conditions that the 40447  
department of mental retardation and developmental disabilities 40448  
requires as a condition of approving the component under section 40449  
5123.046 of the Revised Code. 40450

(2) A component that provides for the recruitment, training, 40451  
and retention of existing and new direct care staff necessary to 40452

implement services included in individualized service plans, 40453  
including behavior management services and health management 40454  
services such as delegated nursing and other habilitation 40455  
services, and protect the health and welfare of individuals 40456  
receiving services included in the individual's individualized 40457  
service plan by complying with safeguards for unusual and major 40458  
unusual incidents, day-to-day program management, and other 40459  
requirements the department shall identify. A county board shall 40460  
develop this component in collaboration with providers of 40461  
medicaid-funded services with which the county board contracts. A 40462  
county board shall include all of the following in the component: 40463

(a) The source and amount of funds available for the 40464  
component; 40465

(b) A plan and timeline for implementing the component with 40466  
the medicaid providers under contract with the county board; 40467

(c) The mechanisms the county board shall use to ensure the 40468  
financial and program accountability of the medicaid provider's 40469  
implementation of the component. 40470

(3) A preliminary implementation component that specifies the 40471  
number of individuals to be provided, during the first year that 40472  
the plan is in effect, home and community-based services pursuant 40473  
to the priority given to them under divisions (D)(1) and (2) of 40474  
section 5126.042 of the Revised Code and the types of home and 40475  
community-based services the individuals are to receive; 40476

(4) A component that provides for the implementation of 40477  
medicaid case management services and home and community-based 40478  
services for individuals who begin to receive the services on or 40479  
after the date the plan is approved under section 5123.046 of the 40480  
Revised Code. A county board shall include all of the following in 40481  
the component: 40482

(a) If the department of mental retardation and developmental 40483

disabilities or department of job and family services requires, an 40484  
agreement to pay the nonfederal share of medicaid expenditures 40485  
that the county board is required by ~~division (A) of section~~ 40486  
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code to 40487  
pay; 40488

(b) How the services are to be phased in over the period the 40489  
plan covers, including how the county board will serve individuals 40490  
on a waiting list established under division (C) of section 40491  
5126.042 who are given priority status under division (D)(1) of 40492  
that section; 40493

(c) Any agreement or commitment regarding the county board's 40494  
funding of home and community-based services that the county board 40495  
has with the department at the time the county board develops the 40496  
component; 40497

(d) Assurances adequate to the department that the county 40498  
board will comply with all of the following requirements: 40499

(i) To provide the types of home and community-based services 40500  
specified in the preliminary implementation component required by 40501  
division (A)(3) of this section to at least the number of 40502  
individuals specified in that component; 40503

(ii) To use any additional funds the county board receives 40504  
for the services to improve the county board's resource 40505  
capabilities for supporting such services available in the county 40506  
at the time the component is developed and to expand the services 40507  
to accommodate the unmet need for those services in the county; 40508

(iii) To employ a business manager who is either a new 40509  
employee who has earned at least a bachelor's degree in business 40510  
administration or a current employee who has the equivalent 40511  
experience of a bachelor's degree in business administration. If 40512  
the county board will employ a new employee, the county board 40513  
shall include in the component a timeline for employing the 40514

employee. 40515

(iv) To employ or contract with a medicaid services manager 40516  
who is either a new employee who has earned at least a bachelor's 40517  
degree or a current employee who has the equivalent experience of 40518  
a bachelor's degree. If the county board will employ a new 40519  
employee, the county board shall include in the component a 40520  
timeline for employing the employee. Two or three county boards 40521  
that have a combined total enrollment in county board services not 40522  
exceeding one thousand individuals as determined pursuant to 40523  
certifications made under division (B) of section 5126.12 of the 40524  
Revised Code may satisfy this requirement by sharing the services 40525  
of a medicaid services manager or using the services of a medicaid 40526  
services manager employed by or under contract with a regional 40527  
council that the county boards establish under section 5126.13 of 40528  
the Revised Code. 40529

(e) An agreement to comply with the method, developed by 40530  
rules adopted under section 5123.0413 of the Revised Code, of 40531  
paying for extraordinary costs, including extraordinary costs for 40532  
services to individuals with mental retardation or other 40533  
developmental disability, and ensuring the availability of 40534  
adequate funds in the event a county property tax levy for 40535  
services for individuals with mental retardation or other 40536  
developmental disability fails; 40537

(f) Programmatic and financial accountability measures and 40538  
projected outcomes expected from the implementation of the plan; 40539

(g) Any other applicable information or conditions that the 40540  
department requires as a condition of approving the component 40541  
under section 5123.046 of the Revised Code. 40542

(B) For the purpose of obtaining the department's approval 40543  
under section 5123.046 of the Revised Code of the plan the county 40544  
board develops under division (A) of this section, a county board 40545

shall do all of the following: 40546

(1) Submit the components required by divisions (A)(1) and 40547  
(2) of this section to the department not later than August 1, 40548  
2001; 40549

(2) Submit the component required by division (A)(3) of this 40550  
section to the department not later than January 31, 2002; 40551

(3) Submit the component required by division (A)(4) of this 40552  
section to the department not later than July 1, 2002. 40553

(C) A county board whose plan developed under division (A) of 40554  
this section is approved by the department under section 5123.046 40555  
of the Revised Code shall update and renew the plan in accordance 40556  
with a schedule the department shall develop. 40557

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of 40558  
the Revised Code, a county board of mental retardation and 40559  
developmental disabilities has medicaid local administrative 40560  
authority to, and shall, do all of the following for an individual 40561  
with mental retardation or other developmental disability who 40562  
resides in the county that the county board serves and seeks or 40563  
receives home and community-based services: 40564

(1) Perform assessments and evaluations of the individual. As 40565  
part of the assessment and evaluation process, the county board 40566  
shall do all of the following: 40567

(a) Make a recommendation to the department of mental 40568  
retardation and developmental disabilities on whether the 40569  
department should approve or deny the individual's application for 40570  
the services, including on the basis of whether the individual 40571  
needs the level of care an intermediate care facility for the 40572  
mentally retarded provides; 40573

(b) If the individual's application is denied because of the 40574  
county board's recommendation and the individual requests a 40575

hearing under section 5101.35 of the Revised Code, present, with 40576  
the department of mental retardation and developmental 40577  
disabilities or department of job and family services, whichever 40578  
denies the application, the reasons for the recommendation and 40579  
denial at the hearing; 40580

(c) If the individual's application is approved, recommend to 40581  
the departments of mental retardation and developmental 40582  
disabilities and job and family services the services that should 40583  
be included in the individual's individualized service plan and, 40584  
if either department approves, reduces, denies, or terminates a 40585  
service included in the individual's individualized service plan 40586  
under section 5111.871 of the Revised Code because of the county 40587  
board's recommendation, present, with the department that made the 40588  
approval, reduction, denial, or termination, the reasons for the 40589  
recommendation and approval, reduction, denial, or termination at 40590  
a hearing under section 5101.35 of the Revised Code. 40591

(2) If the individual has been identified by the department 40592  
of mental retardation and developmental disabilities as an 40593  
individual to receive priority for home and community-based 40594  
services pursuant to division (D)(3) of section 5126.042 of the 40595  
Revised Code, assist the department in expediting the transfer of 40596  
the individual from an intermediate care facility for the mentally 40597  
retarded or nursing facility to the home and community-based 40598  
services; 40599

(3) In accordance with the rules adopted under section 40600  
5126.046 of the Revised Code, perform the county board's duties 40601  
under that section regarding assisting the individual's right to 40602  
choose a qualified and willing provider of the services and, at a 40603  
hearing under section 5101.35 of the Revised Code, present 40604  
evidence of the process for appropriate assistance in choosing 40605  
providers; 40606

(4) ~~Unless the county board provides the services under~~ 40607

~~division (A)(5) of this section, contract with the person or  
government entity the individual chooses in accordance with  
section 5126.046 of the Revised Code to provide the services if  
the person or government entity is qualified and agrees to provide  
the services. The contract shall contain all the provisions  
required by section 5126.035 of the Revised Code and 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 ~~5123.16~~  
5123.161 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)~~(5) Monitor the services provided to the individual and  
ensure the individual's health, safety, and welfare. 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)~~(6) Develop, with the individual and the provider of the  
individual's services, an effective individualized service plan  
that includes coordination of services, recommend that the  
departments of mental retardation and developmental disabilities  
and job and family services approve the plan, and implement the  
plan unless either department disapproves it;

~~(8)~~(7) Have an investigative agent conduct investigations  
under section 5126.313 of the Revised Code that concern the  
individual;

~~(9)~~(8) Have a service and support administrator perform the 40639  
duties under division (B)(9) of section 5126.15 of the Revised 40640  
Code that concern the individual. 40641

(B) A county board shall perform its medicaid local 40642  
administrative authority under this section in accordance with all 40643  
of the following: 40644

(1) The county board's plan that the department of mental 40645  
retardation and developmental disabilities approves under section 40646  
5123.046 of the Revised Code; 40647

(2) All applicable federal and state laws; 40648

(3) All applicable policies of the departments of mental 40649  
retardation and developmental disabilities and job and family 40650  
services and the United States department of health and human 40651  
services; 40652

(4) The department of job and family services' supervision 40653  
under its authority under section 5111.01 of the Revised Code to 40654  
act as the single state medicaid agency; 40655

(5) The department of mental retardation and developmental 40656  
disabilities' oversight. 40657

(C) The departments of mental retardation and developmental 40658  
disabilities and job and family services shall communicate with 40659  
and provide training to county boards regarding medicaid local 40660  
administrative authority granted by this section. The 40661  
communication and training shall include issues regarding audit 40662  
protocols and other standards established by the United States 40663  
department of health and human services that the departments 40664  
determine appropriate for communication and training. County 40665  
boards shall participate in the training. The departments shall 40666  
assess the county board's compliance against uniform standards 40667  
that the departments shall establish. 40668

(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of mental retardation and developmental disabilities. The notice shall include the tasks and responsibilities that the contract gives to the person or government entity. The person or government entity shall comply in full with all requirements to which the county board is subject regarding the person or government entity's tasks and responsibilities under the contract. The county board remains ultimately responsible for the tasks and responsibilities.

(E) A county board that has medicaid local administrative authority under this section shall, through the departments of mental retardation and developmental disabilities and job and family services, reply to, and cooperate in arranging compliance with, a program or fiscal audit or program violation exception that a state or federal audit or review discovers. The department of job and family services shall timely notify the department of mental retardation and developmental disabilities and the county board of any adverse findings. After receiving the notice, the county board, in conjunction with the department of mental retardation and developmental disabilities, shall cooperate fully with the department of job and family services and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of mental retardation and developmental disabilities or department of job and family services determines

that a county board's implementation of its medicaid local 40701  
administrative authority under this section is deficient, the 40702  
department that makes the determination shall require that county 40703  
board do the following: 40704

(1) If the deficiency affects the health, safety, or welfare 40705  
of an individual with mental retardation or other developmental 40706  
disability, correct the deficiency within twenty-four hours; 40707

(2) If the deficiency does not affect the health, safety, or 40708  
welfare of an individual with mental retardation or other 40709  
developmental disability, receive technical assistance from the 40710  
department or submit a plan of correction to the department that 40711  
is acceptable to the department within sixty days and correct the 40712  
deficiency within the time required by the plan of correction. 40713

**Sec. 5126.056.** (A) The department of mental retardation and 40714  
developmental disabilities shall take action under division (B) of 40715  
this section against a county board of mental retardation and 40716  
developmental disabilities if any of the following are the case: 40717

(1) The county board fails to submit to the department all 40718  
the components of its three-year plan required by section 5126.054 40719  
of the Revised Code within the time required by division (B) of 40720  
that section. 40721

(2) The department disapproves the county board's three-year 40722  
plan under section 5123.046 of the Revised Code. 40723

(3) The county board fails, as required by division (C) of 40724  
section 5126.054 of the Revised Code, to update and renew its 40725  
three-year plan in accordance with a schedule the department 40726  
develops under that section. 40727

(4) The county board fails to implement its initial or 40728  
renewed three-year plan approved by the department. 40729

(5) The county board fails to correct a deficiency within the 40730

time required by division (F) of section 5126.055 of the Revised Code to the satisfaction of the department. 40731  
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(6) The county board fails to submit an acceptable plan of correction to the department within the time required by division (F)(2) of section 5126.055 of the Revised Code. 40733  
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(B) If required by division (A) of this section to take action against a county board, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid case management services, or all or part of both of those services. The department shall provide a copy of the order to the board of county commissioners, senior probate judge, county auditor, and president and superintendent of the county board. The department shall specify in the order the medicaid local administrative authority that the department is terminating, the reason for the termination, and the county board's option and responsibilities under this division. 40736  
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A county board whose medicaid local administrative authority is terminated may, not later than thirty days after the department issues the termination order, recommend to the department that another county board that has not had any of its medicaid local administrative authority terminated or another entity the department approves administer the services for which the county board's medicaid local administrative authority is terminated. The department may contract with the other county board or entity to administer the services. If the department enters into such a contract, the county board shall adopt a resolution giving the other county board or entity full medicaid local administrative authority over the services that the other county board or entity is to administer. The other county board or entity shall be known as the contracting authority. 40748  
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If the department rejects the county board's recommendation 40762

regarding a contracting authority, the county board may appeal the 40763  
rejection under section 5123.043 of the Revised Code. 40764

If the county board does not submit a recommendation to the 40765  
department regarding a contracting authority within the required 40766  
time or the department rejects the county board's recommendation 40767  
and the rejection is upheld pursuant to an appeal, if any, under 40768  
section 5123.043 of the Revised Code, the department shall appoint 40769  
an administrative receiver to administer the services for which 40770  
the county board's medicaid local administrative authority is 40771  
terminated. To the extent necessary for the department to appoint 40772  
an administrative receiver, the department may utilize employees 40773  
of the department, management personnel from another county board, 40774  
or other individuals who are not employed by or affiliated with in 40775  
any manner a person that provides home and community-based 40776  
services or medicaid case management services pursuant to a 40777  
contract with any county board. The administrative receiver shall 40778  
assume full administrative responsibility for the county board's 40779  
services for which the county board's medicaid local 40780  
administrative authority is terminated. 40781

The contracting authority or administrative receiver shall 40782  
develop and submit to the department a plan of correction to 40783  
remediate the problems that caused the department to issue the 40784  
termination order. If, after reviewing the plan, the department 40785  
approves it, the contracting authority or administrative receiver 40786  
shall implement the plan. 40787

The county board shall transfer control of state and federal 40788  
funds it is otherwise eligible to receive for the services for 40789  
which the county board's medicaid local administrative authority 40790  
is terminated and funds the county board may use under division 40791  
~~(B)~~(A) of section ~~5126.057~~ 5126.0511 of the Revised Code to pay 40792  
the nonfederal share of the services that the county board is 40793  
required by ~~division (A) of that section~~ sections 5126.059 and 40794

5126.0510 of the Revised Code to pay. The county board shall 40795  
transfer control of the funds to the contracting authority or 40796  
administrative receiver administering the services. The amount the 40797  
county board shall transfer shall be the amount necessary for the 40798  
contracting authority or administrative receiver to fulfill its 40799  
duties in administering the services, including its duties to pay 40800  
its personnel for time worked, travel, and related matters. If the 40801  
county board fails to make the transfer, the department may 40802  
withhold the state and federal funds from the county board and 40803  
bring a mandamus action against the county board in the court of 40804  
common pleas of the county served by the county board or in the 40805  
Franklin county court of common pleas. The mandamus action may not 40806  
require that the county board transfer any funds other than the 40807  
funds the county board is required by division (B) of this section 40808  
to transfer. 40809

The contracting authority or administrative receiver has the 40810  
right to authorize the payment of bills in the same manner that 40811  
the county board may authorize payment of bills under this chapter 40812  
and section 319.16 of the Revised Code. 40813

Sec. 5126.059. A county board of mental retardation and 40814  
developmental disabilities shall pay the nonfederal share of 40815  
medicaid expenditures for medicaid case management services the 40816  
county board provides to an individual with mental retardation or 40817  
other developmental disability who the county board determines 40818  
under section 5126.041 of the Revised Code is eligible for county 40819  
board services. 40820

Sec. 5126.0510. (A) Except as otherwise provided in an 40821  
agreement entered into under section 5123.048 of the Revised Code 40822  
and subject to divisions (B), (C), and (D) of this section, a 40823  
county board of mental retardation and developmental disabilities 40824  
shall pay the nonfederal share of medicaid expenditures for the 40825

following home and community-based services provided to an 40826  
individual with mental retardation or other developmental 40827  
disability who the county board determines under section 5126.041 40828  
of the Revised Code is eligible for county board services: 40829

(1) Home and community-based services that the county board 40830  
provides to such an individual; 40831

(2) Home and community-based services provided by a provider 40832  
other than the county board to such an individual who is enrolled 40833  
as of June 30, 2007, in the medicaid waiver component under which 40834  
the services are provided; 40835

(3) Home and community-based services provided by a provider 40836  
other than the county board to such an individual who, pursuant to 40837  
a request the county board makes, enrolls in the medicaid waiver 40838  
component under which the services are provided after June 30, 40839  
2007; 40840

(4) Home and community-based services provided by a provider 40841  
other than the county board to such an individual for whom there 40842  
is in effect an agreement entered into under division (E) of this 40843  
section between the county board and director of mental 40844  
retardation and developmental disabilities. 40845

(B) In the case of medicaid expenditures for home and 40846  
community-based services for which division (A)(2) of this section 40847  
requires a county board to pay the nonfederal share, the following 40848  
shall apply to such services provided during fiscal year 2008 40849  
under the individual options medicaid waiver component: 40850

(1) The county board shall pay no less than the total amount 40851  
the county board paid as the nonfederal share for home and 40852  
community-based services provided in fiscal year 2007 under the 40853  
individual options medicaid waiver component; 40854

(2) The county board shall pay no more than the sum of the 40855  
following: 40856

(a) The total amount the county board paid as the nonfederal share for home and community-based services provided in fiscal year 2007 under the individual options medicaid waiver component; 40857  
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(b) An amount equal to one per cent of the total amount the department of mental retardation and developmental disabilities and county board paid as the nonfederal share for home and community-based services provided in fiscal year 2007 under the individual options medicaid waiver component to individuals the county department determined under section 5126.041 of the Revised Code are eligible for county board services. 40860  
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(C) A county board is not required to pay the nonfederal share of home and community-based services provided after June 30, 2008, that the county board is otherwise required by division (A)(2) of this section to pay if the department of mental retardation and developmental disabilities fails to comply with division (A) of section 5123.0416 of the Revised Code. 40867  
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(D) A county board is not required to pay the nonfederal share of home and community-based services that the county board is otherwise required by division (A)(3) of this section to pay if both of the following apply: 40873  
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(1) The services are provided to an individual who enrolls in the medicaid waiver component under which the services are provided as the result of an order issued following a state hearing, administrative appeal, or appeal to a court of common pleas made under section 5101.35 of the Revised Code; 40877  
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(2) There are more individuals who are eligible for services from the county board enrolled in the medicaid waiver component than is required by section 5126.0512 of the Revised Code. 40882  
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(E) A county board may enter into an agreement with the director of mental retardation and developmental disabilities under which the county board agrees to pay the nonfederal share of 40885  
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medicaid expenditures for one or more home and community-based services that the county board is not otherwise required by division (A)(1), (2), or (3) of this section to pay and that are provided to an individual the county board determines under section 5126.041 of the Revised Code is eligible for county board services. The agreement shall specify which home and community-based services the agreement covers. The county board shall pay the nonfederal share of medicaid expenditures for the home and community-based services that the agreement covers as long as the agreement is in effect. 40888  
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~~Sec. 5126.057 5126.0511. (A) A county board of mental retardation and developmental disabilities that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community based services shall pay the nonfederal share of medicaid expenditures for such services provided to an individual with mental retardation or other developmental disability who the county board determines under section 5126.041 of the Revised Code is eligible for county board services unless division (B)(2) or (3) of section 5123.047 of the Revised Code requires the department of mental retardation and developmental disabilities to pay the nonfederal share.~~ 40898  
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~~A county board that provides medicaid case management services shall pay the nonfederal share of medicaid expenditures for such services provided to an individual with mental retardation or other developmental disability who the county board determines under section 5126.041 of the Revised Code is eligible for county board services.~~ 40909  
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(B) A county board of mental retardation and developmental disabilities may use the following funds to pay the nonfederal share of the services medicaid expenditures that the county board is required by division (A) sections 5126.059 and 5126.0510 of 40915  
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~~this section~~ the Revised Code to pay: 40919

(1) To the extent consistent with the levy that generated the 40920  
taxes, the following taxes: 40921

(a) Taxes levied pursuant to division (L) of section 5705.19 40922  
of the Revised Code and section 5705.222 of the Revised Code; 40923

(b) Taxes levied under section 5705.191 of the Revised Code 40924  
that the board of county commissioners allocates to the county 40925  
board ~~to pay the nonfederal share of the services.~~ 40926

(2) Funds that the department of mental retardation and 40927  
developmental disabilities distributes to the county board under 40928  
~~sections 5126.11, 5126.12, 5126.15,~~ section 5126.18, ~~and 5126.44~~ 40929  
of the Revised Code; 40930

(3) Earned federal revenue funds the county board receives 40931  
for medicaid services the county board provides pursuant to the 40932  
county board's valid medicaid provider agreement; 40933

(4) Funds that the department of mental retardation and 40934  
developmental disabilities distributes to the county board as 40935  
subsidy payments; 40936

(5) In the case of medicaid expenditures for home and 40937  
community-based services, funds allocated to or otherwise made 40938  
available for the county board under section 5123.0416 of the 40939  
Revised Code to pay the nonfederal share of such medicaid 40940  
expenditures. 40941

~~(C) If by December 31, 2001, the United States secretary of~~ 40942  
~~health and human services approves at least five hundred more~~ 40943  
~~slots for home and community based services for calendar year 2002~~ 40944  
~~than were available for calendar year 2001, each county board~~ 40945  
~~shall provide, by the last day of calendar year 2001, assurances~~ 40946  
~~to the department of mental retardation and developmental~~ 40947  
~~disabilities that the county board will have for calendar year~~ 40948

~~2002 at least one third of the value of one half, effective mill 40949  
levied in the county the preceding year available to pay the 40950  
nonfederal share of the services that the county board is required 40951  
by division (A) of this section to pay. 40952~~

~~If by December 31, 2002, the United States secretary approves 40953  
at least five hundred more slots for home and community based 40954  
services for calendar year 2003 than were available for calendar 40955  
year 2002, each county board shall provide, by the last day of 40956  
calendar year 2002, assurances to the department that the county 40957  
board will have for calendar year 2003 at least two thirds of the 40958  
value of one half, effective mill levied in the county the 40959  
preceding year available to pay the nonfederal share of the 40960  
services that the county board is required by division (A) of this 40961  
section to pay. 40962~~

~~If by December 31, 2003, the United States secretary approves 40963  
at least five hundred more slots for home and community based 40964  
services for calendar year 2004 than were available for calendar 40965  
year 2003, each county board shall provide, by the last day of 40966  
calendar year 2003 and each calendar year thereafter, assurances 40967  
to the department that the county board will have for calendar 40968  
year 2004 and each calendar year thereafter at least the value of 40969  
one half, effective mill levied in the county the preceding year 40970  
available to pay the nonfederal share of the services that the 40971  
county board is required by division (A) of this section to pay. 40972~~

~~(D) Each year, each county board shall adopt a resolution 40973  
specifying the amount of funds it will use in the next year to pay 40974  
the nonfederal share of the services medicaid expenditures that 40975  
the county board is required by division (A) of this section 40976  
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 40977  
amount specified shall be adequate to assure that the services for 40978  
which the medicaid expenditures are made will be available in the 40979  
county in a manner that conforms to all applicable state and 40980~~

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)~~(C) of this section.

~~(E)~~(C) Each year, a county auditor shall determine whether the amount of funds a county board specifies in the resolution it adopts under division ~~(D)~~(B) of this section will be available in the following year for the county board to pay the nonfederal share of the ~~services~~ medicaid expenditures that the county board is required by ~~division (A) of this section~~ sections 5126.059 and 5126.0510 of the Revised Code 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. 5126.0512.** (A) As used in this section, "medicaid waiver component" means a medicaid waiver component as defined in section 5111.85 of the Revised Code under which home and community-based services are provided.

(B) Effective July 1, 2007, each county board of mental retardation and developmental disabilities shall ensure, for each medicaid waiver component, that the number of individuals eligible under section 5126.041 of the Revised Code for services from the county board who are enrolled in a medicaid waiver component is no less than the sum of the following:

(1) The number of individuals eligible for services from the county board who are enrolled in the medicaid waiver component on June 30, 2007;

(2) The number of medicaid waiver component slots that the county board requested before July 1, 2007, were assigned to the county board before that date, but in which no individual was enrolled before that date.

(C) An individual enrolled in a medicaid waiver component 41012  
after March 1, 2007, due to an emergency reserve capacity waiver 41013  
assignment shall not be counted in determining the number of 41014  
individuals a county board must ensure under division (B) of this 41015  
section are enrolled in a medicaid waiver component. 41016

(D) An individual who is enrolled in a medicaid waiver 41017  
component to comply with the terms of the consent order filed 41018  
March 5, 2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in 41019  
the United States district court for the southern district of 41020  
Ohio, eastern division, shall be excluded in determining whether a 41021  
county board has complied with division (B) of this section. 41022

(E) A county board shall make as many requests for 41023  
individuals to be enrolled in a medicaid waiver component as 41024  
necessary for the county board to comply with division (B) of this 41025  
section. 41026

**Sec. 5126.06.** (A) Except as provided in division (B) of this 41027  
section ~~and section 5126.036 of the Revised Code~~, any person who 41028  
has a complaint involving any of the programs, services, policies, 41029  
or administrative practices of a county board of mental 41030  
retardation and developmental disabilities or any of the entities 41031  
under contract with the county board, may file a complaint with 41032  
the board. Prior to commencing a civil action regarding the 41033  
complaint, a person shall attempt to have the complaint resolved 41034  
through the administrative resolution process established in the 41035  
rules adopted under section 5123.043 of the Revised Code. After 41036  
exhausting the administrative resolution process, the person may 41037  
commence a civil action if the complaint is not settled to the 41038  
person's satisfaction. 41039

(B) An employee of a county board may not file under this 41040  
section a complaint related to the terms and conditions of 41041  
employment of the employee. 41042

Sec. 5126.11. (A) As used in this section, "respite care" 41043  
means appropriate, short-term, temporary care that is provided to 41044  
a mentally retarded or developmentally disabled person to sustain 41045  
the family structure or to meet planned or emergency needs of the 41046  
family. 41047

(B) Subject to rules adopted by the director of mental 41048  
retardation and developmental disabilities, and subject to the 41049  
availability of money from state and federal sources, the county 41050  
board of mental retardation and developmental disabilities shall 41051  
establish a family support services program. Under such a program, 41052  
the board shall make payments to an individual with mental 41053  
retardation or other developmental disability or the family of an 41054  
individual with mental retardation or other developmental 41055  
disability who desires to remain in and be supported in the family 41056  
home. Payments shall be made for all or part of costs incurred or 41057  
estimated to be incurred for services that would promote 41058  
self-sufficiency and normalization, prevent or reduce 41059  
inappropriate institutional care, and further the unity of the 41060  
family by enabling the family to meet the special needs of the 41061  
individual and to live as much like other families as possible. 41062  
Payments may be made in the form of reimbursement for expenditures 41063  
or in the form of vouchers to be used to purchase services. 41064

(C) Payment shall not be made under this section to an 41065  
individual or the individual's family if the individual is living 41066  
in a residential facility that is providing residential services 41067  
under contract with the department of mental retardation and 41068  
developmental disabilities or a county board. 41069

(D) Payments may be made for the following services: 41070

(1) Respite care, in or out of the home; 41071

(2) Counseling, supervision, training, and education of the 41072  
individual, the individual's caregivers, and members of the 41073

individual's family that aid the family in providing proper care 41074  
for the individual, provide for the special needs of the family, 41075  
and assist in all aspects of the individual's daily living; 41076

(3) Special diets, purchase or lease of special equipment, or 41077  
modifications of the home, if such diets, equipment, or 41078  
modifications are necessary to improve or facilitate the care and 41079  
living environment of the individual; 41080

(4) Providing support necessary for the individual's 41081  
continued skill development, including such services as 41082  
development of interventions to cope with unique problems that may 41083  
occur within the complexity of the family, enrollment of the 41084  
individual in special summer programs, provision of appropriate 41085  
leisure activities, and other social skills development 41086  
activities; 41087

(5) Any other services that are consistent with the purposes 41088  
specified in division (B) of this section and specified in the 41089  
individual's service plan. 41090

(E) In order to be eligible for payments under a family 41091  
support services program, the individual or the individual's 41092  
family must reside in the county served by the county board, and 41093  
the individual must be in need of habilitation. Payments shall be 41094  
adjusted for income in accordance with the payment schedule 41095  
established in rules adopted under this section. Payments shall be 41096  
made only after the county board has taken into account all other 41097  
available assistance for which the individual or family is 41098  
eligible. 41099

(F) Before incurring expenses for a service for which payment 41100  
will be sought under a family support services program, the 41101  
individual or family shall apply to the county board for a 41102  
determination of eligibility and approval of the service. The 41103  
service need not be provided in the county served by the county 41104

board. After being determined eligible and receiving approval for 41105  
the service, the individual or family may incur expenses for the 41106  
service or use the vouchers received from the county board for the 41107  
purchase of the service. 41108

If the county board refuses to approve a service, an appeal 41109  
may be made in accordance with rules adopted by the department 41110  
under this section. 41111

(G) To be reimbursed for expenses incurred for approved 41112  
services, the individual or family shall submit to the county 41113  
board a statement of the expenses incurred accompanied by any 41114  
evidence required by the board. To redeem vouchers used to 41115  
purchase approved services, the entity that provided the service 41116  
shall submit to the county board evidence that the service was 41117  
provided and a statement of the charges. The county board shall 41118  
make reimbursements and redeem vouchers no later than forty-five 41119  
days after it receives the statements and evidence required by 41120  
this division. 41121

(H) A county board shall consider the following objectives in 41122  
carrying out a family support services program: 41123

(1) Enabling individuals to return to their families from an 41124  
institution under the jurisdiction of the department of mental 41125  
retardation and developmental disabilities; 41126

(2) Enabling individuals found to be subject to 41127  
institutionalization by court order under section 5123.76 of the 41128  
Revised Code to remain with their families with the aid of 41129  
payments provided under this section; 41130

(3) Providing services to eligible children and adults 41131  
currently residing in the community; 41132

(4) Providing services to individuals with developmental 41133  
disabilities who are not receiving other services from the board. 41134

(I) The director shall adopt, and may amend and rescind, 41135  
rules for the implementation of family support services programs 41136  
by county boards. Such rules shall include the following: 41137

(1) A payment schedule adjusted for income; 41138

(2) ~~A formula for distributing to county boards the money~~ 41139  
~~appropriated for family support services;~~ 41140

~~(3)~~ Standards for supervision, training, and quality control 41141  
in the provision of respite care services; 41142

~~(4)~~(3) Eligibility standards and procedures for providing 41143  
temporary emergency respite care; 41144

~~(5)~~(4) Procedures for hearing and deciding appeals made under 41145  
division (F) of this section; 41146

~~(6)~~ Requirements to be followed by county boards regarding 41147  
~~reports submitted under division (K) of this section.~~ 41148

Rules adopted under ~~divisions~~ division (I)(1) ~~and (2)~~ of this 41149  
section shall be adopted in accordance with section 111.15 of the 41150  
Revised Code. Rules adopted under divisions (I)~~(3)~~(2) to ~~(6)~~(4) of 41151  
this section shall be adopted in accordance with Chapter 119. of 41152  
the Revised Code. 41153

(J) All individuals certified by the superintendent of the 41154  
county board as eligible for temporary emergency respite care in 41155  
accordance with rules adopted under this section shall be 41156  
considered eligible for temporary emergency respite care for not 41157  
more than five days to permit the determination of eligibility for 41158  
family support services. The requirements of divisions (E) and (F) 41159  
of this section do not apply to temporary emergency respite care. 41160

(K) ~~The department of mental retardation and developmental~~ 41161  
~~disabilities shall distribute to county boards money appropriated~~ 41162  
~~for family support services in quarterly installments of equal~~ 41163  
~~amounts. The installments shall be made not later than the~~ 41164

~~thirtieth day of September, the thirty first day of December, the  
thirty first day of March, and the thirtieth day of June. A county  
board shall use no more than seven per cent of the funds for  
administrative costs. Each county board shall submit reports to  
the department on payments made under this section. The reports  
shall be submitted at those times and in the manner specified in  
rules adopted under this section.~~

~~(L) The county board shall not be required to make payments  
for family support services at a level that exceeds available  
state and federal funds for such payments.~~

**Sec. 5126.12.** (A) As used in this section: 41175

(1) "Approved school age class" means a class operated by a 41176  
county board of mental retardation and developmental disabilities 41177  
and funded by the department of education under section 3317.20 of 41178  
the Revised Code. 41179

(2) "Approved preschool unit" means a class or unit operated 41180  
by a county board of mental retardation and developmental 41181  
disabilities and approved under division (B) of section 3317.05 of 41182  
the Revised Code. 41183

(3) "Active treatment" means a continuous treatment program, 41184  
which includes aggressive, consistent implementation of a program 41185  
of specialized and generic training, treatment, health services, 41186  
and related services, that is directed toward the acquisition of 41187  
behaviors necessary for an individual with mental retardation or 41188  
other developmental disability to function with as much 41189  
self-determination and independence as possible and toward the 41190  
prevention of deceleration, regression, or loss of current optimal 41191  
functional status. 41192

(4) "Eligible for active treatment" means that an individual 41193  
with mental retardation or other developmental disability resides 41194

in an intermediate care facility for the mentally retarded 41195  
certified under Title XIX of the "Social Security Act," 79 Stat. 41196  
286 (1965), 42 U.S.C. 1396, as amended; resides in a state 41197  
institution operated by the department of mental retardation and 41198  
developmental disabilities; or is enrolled in home and 41199  
community-based services. 41200

(5) "Traditional adult services" means vocational and 41201  
nonvocational activities conducted within a sheltered workshop or 41202  
adult activity center or supportive home services. 41203

(B) Each county board of mental retardation and developmental 41204  
disabilities shall certify to the director of mental retardation 41205  
and developmental disabilities all of the following: 41206

(1) On or before the fifteenth day of October, the average 41207  
daily membership for the first full week of programs and services 41208  
during October receiving: 41209

(a) Early childhood services provided pursuant to section 41210  
5126.05 of the Revised Code for children who are less than three 41211  
years of age on the thirtieth day of September of the academic 41212  
year; 41213

(b) Special education for handicapped children in approved 41214  
school age classes; 41215

(c) Adult services for persons sixteen years of age and older 41216  
operated pursuant to section 5126.05 and division (B) of section 41217  
5126.051 of the Revised Code. Separate counts shall be made for 41218  
the following: 41219

(i) Persons enrolled in traditional adult services who are 41220  
eligible for but not enrolled in active treatment; 41221

(ii) Persons enrolled in traditional adult services who are 41222  
eligible for and enrolled in active treatment; 41223

(iii) Persons enrolled in traditional adult services but who 41224

are not eligible for active treatment; 41225

(iv) Persons participating in community employment services. 41226  
To be counted as participating in community employment services, a 41227  
person must have spent an average of no less than ten hours per 41228  
week in that employment during the preceding six months. 41229

(d) Other programs in the county for individuals with mental 41230  
retardation and developmental disabilities that have been approved 41231  
for payment of subsidy by the department of mental retardation and 41232  
developmental disabilities. 41233

The membership in each such program and service in the county 41234  
shall be reported on forms prescribed by the department of mental 41235  
retardation and developmental disabilities. 41236

The department of mental retardation and developmental 41237  
disabilities shall adopt rules defining full-time equivalent 41238  
enrollees and for determining the average daily membership 41239  
therefrom, except that certification of average daily membership 41240  
in approved school age classes shall be in accordance with rules 41241  
adopted by the state board of education. The average daily 41242  
membership figure shall be determined by dividing the amount 41243  
representing the sum of the number of enrollees in each program or 41244  
service in the week for which the certification is made by the 41245  
number of days the program or service was offered in that week. No 41246  
enrollee may be counted in average daily membership for more than 41247  
one program or service. 41248

(2) By the fifteenth day of December, the number of children 41249  
enrolled in approved preschool units on the first day of December; 41250

(3) On or before the thirtieth day of ~~March~~ April, an 41251  
itemized report of all income and operating expenditures for the 41252  
immediately preceding calendar year, in the format specified by 41253  
the department of mental retardation and developmental 41254  
disabilities; 41255

~~(4) By the fifteenth day of February, a report of the total annual cost per enrollee for operation of programs and services in the preceding calendar year. The report shall include a grand total of all programs operated, the cost of the individual programs, and the sources of funds applied to each program.~~

~~(5) That each required certification and report is in accordance with rules established by the department of mental retardation and developmental disabilities and the state board of education for the operation and subsidization of the programs and services.~~

~~(C) To compute payments under this section to the board for the fiscal year, the department of mental retardation and developmental disabilities shall use the certification of average daily membership required by division (B)(1) of this section exclusive of the average daily membership in any approved school age class and the number in any approved preschool unit.~~

~~(D) The department shall pay each county board for each fiscal year an amount equal to nine hundred fifty dollars times the certified number of persons who on the first day of December of the academic year are under three years of age and are not in an approved preschool unit. For persons who are at least age sixteen and are not in an approved school age class, the department shall pay each county board for each fiscal year the following amounts:~~

~~(1) One thousand dollars times the certified average daily membership of persons enrolled in traditional adult services who are eligible for but not enrolled in active treatment;~~

~~(2) One thousand two hundred dollars times the certified average daily membership of persons enrolled in traditional adult services who are eligible for and enrolled in active treatment;~~

~~(3) No less than one thousand five hundred dollars times the~~

~~certified average daily membership of persons enrolled in 41287  
traditional adult services but who are not eligible for active 41288  
treatment; 41289~~

~~(4) No less than one thousand five hundred dollars times the 41290  
certified average daily membership of persons participating in 41291  
community employment services. 41292~~

~~(E) The department shall distribute this subsidy to county 41293  
boards in quarterly installments of equal amounts. The 41294  
installments shall be made not later than the thirtieth day of 41295  
September, the thirty first day of December, the thirty first day 41296  
of March, and the thirtieth day of June. 41297~~

~~(F) The director of mental retardation and developmental 41298  
disabilities shall make efforts to obtain increases in the 41299  
subsidies for early childhood services and adult services so that 41300  
the amount of the subsidies is equal to at least fifty per cent of 41301  
the statewide average cost of those services minus any applicable 41302  
federal reimbursements for those services. The director shall 41303  
advise the director of budget and management of the need for any 41304  
such increases when submitting the biennial appropriations request 41305  
for the department. 41306~~

~~(G) In determining the reimbursement of a county board for 41307  
the provision of service and support administration, family 41308  
support services, and other services required or approved by the 41309  
director for which children three through twenty one years of age 41310  
are eligible, the department shall include the average daily 41311  
membership in approved school age or preschool units. The 41312  
department, in accordance with this section and upon receipt and 41313  
approval of the certification required by this section and any 41314  
other information it requires to enable it to determine a board's 41315  
payments, shall pay the agency providing the specialized training 41316  
the amounts payable under this section. 41317~~

Sec. 5126.15. (A) A county board of mental retardation and 41319  
developmental disabilities shall provide service and support 41320  
administration to each individual three years of age or older who 41321  
is eligible for service and support administration if the 41322  
individual requests, or a person on the individual's behalf 41323  
requests, service and support administration. A board shall 41324  
provide service and support administration to each individual 41325  
receiving home and community-based services. A board may provide, 41326  
in accordance with the service coordination requirements of 34 41327  
C.F.R. 303.23, service and support administration to an individual 41328  
under three years of age eligible for early intervention services 41329  
under 34 C.F.R. part 303. A board may provide service and support 41330  
administration to an individual who is not eligible for other 41331  
services of the board. Service and support administration shall be 41332  
provided in accordance with rules adopted under section 5126.08 of 41333  
the Revised Code. 41334

A board may provide service and support administration by 41335  
directly employing service and support administrators or by 41336  
contracting with entities for the performance of service and 41337  
support administration. Individuals employed or under contract as 41338  
service and support administrators shall not be in the same 41339  
collective bargaining unit as employees who perform duties that 41340  
are not administrative. 41341

Individuals employed by a board as service and support 41342  
administrators shall not be assigned responsibilities for 41343  
implementing other services for individuals and shall not be 41344  
employed by or serve in a decision-making or policy-making 41345  
capacity for any other entity that provides programs or services 41346  
to individuals with mental retardation or developmental 41347  
disabilities. An individual employed as a conditional status 41348  
service and support administrator shall perform the duties of 41349  
service and support administration only under the supervision of a 41350

management employee who is a service and support administration supervisor. 41351  
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(B) The individuals employed by or under contract with a board to provide service and support administration shall do all of the following: 41353  
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(1) Establish an individual's eligibility for the services of the county board of mental retardation and developmental disabilities; 41356  
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(2) Assess individual needs for services; 41359

(3) Develop individual service plans with the active participation of the individual to be served, other persons selected by the individual, and, when applicable, the provider selected by the individual, and recommend the plans for approval by the department of mental retardation and developmental disabilities when services included in the plans are funded through medicaid; 41360  
41361  
41362  
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(4) Establish budgets for services based on the individual's assessed needs and preferred ways of meeting those needs; 41367  
41368

(5) Assist individuals in making selections from among the providers they have chosen; 41369  
41370

(6) Ensure that services are effectively coordinated and provided by appropriate providers; 41371  
41372

(7) Establish and implement an ongoing system of monitoring the implementation of individual service plans to achieve consistent implementation and the desired outcomes for the individual; 41373  
41374  
41375  
41376

(8) Perform quality assurance reviews as a distinct function of service and support administration; 41377  
41378

(9) Incorporate the results of quality assurance reviews and identified trends and patterns of unusual incidents and major 41379  
41380

unusual incidents into amendments of an individual's service plan 41381  
for the purpose of improving and enhancing the quality and 41382  
appropriateness of services rendered to the individual; 41383

(10) Ensure that each individual receiving services has a 41384  
designated person who is responsible on a continuing basis for 41385  
providing the individual with representation, advocacy, advice, 41386  
and assistance related to the day-to-day coordination of services 41387  
in accordance with the individual's service plan. The service and 41388  
support administrator shall give the individual receiving services 41389  
an opportunity to designate the person to provide daily 41390  
representation. If the individual declines to make a designation, 41391  
the administrator shall make the designation. In either case, the 41392  
individual receiving services may change at any time the person 41393  
designated to provide daily representation. 41394

~~(C) Subject to available funds, the department of mental 41395  
retardation and developmental disabilities shall pay a county 41396  
board an annual subsidy for service and support administration. 41397  
The amount of the subsidy shall be equal to the greater of twenty 41398  
thousand dollars or two hundred dollars times the board's 41399  
certified average daily membership. The payments shall be made in 41400  
quarterly installments of equal amounts, which shall be made no 41401  
later than the thirtieth day of September, the thirty first day of 41402  
December, the thirty first day of March, and the thirtieth day of 41403  
June. Funds received shall be used solely for service and support 41404  
administration. 41405~~

**Sec. 5126.18.** (A) As used in this section: 41407

(1) "County board" means a county board of mental retardation 41408  
and developmental disabilities. 41409

(2) Notwithstanding section 5126.01 of the Revised Code, 41410  
"adult services" means the following services, as they are 41411  
identified on individual information forms submitted by county 41412

boards to the department of mental retardation and developmental 41413  
disabilities ~~for the purpose of subsidies paid to county boards~~ 41414  
~~under section 5126.12 of the Revised Code~~, provided to an 41415  
individual with mental retardation or other developmental 41416  
disability who is at least twenty-two years of age: 41417

(a) Assessment; 41418

(b) Home service; 41419

(c) Adult program; 41420

(d) Community employment services; 41421

(e) Retirement. 41422

(3) "Adult services enrollment" means a county board's 41423  
average daily membership in adult services, exclusive of such 41424  
services provided to individuals served solely through service and 41425  
support administration provided pursuant to section 5126.15 of the 41426  
Revised Code or family support services provided pursuant to 41427  
section 5126.11 of the Revised Code. 41428

(4) "Taxable value" means the taxable value of a county board 41429  
certified under division (B)(1) of this section. 41430

(5) "Per-mill yield" of a county board means the quotient 41431  
obtained by dividing (a) the taxable value of the county board by 41432  
(b) one thousand. 41433

(6) "Local adult services cost" means a county board's 41434  
expenditures for adult services, excluding all federal and state 41435  
reimbursements and subsidy allocations received by such boards and 41436  
expended for such services, as certified under section 5126.12 of 41437  
the Revised Code. 41438

(7) "Statewide average millage" means one thousand multiplied 41439  
by the quotient obtained by dividing (a) the total of the local 41440  
adult services costs of all county boards by (b) the total of the 41441  
taxable values of all county boards. 41442

(8) "County yield" of a county board means the product 41443  
obtained by multiplying (a) the statewide average millage by (b) 41444  
the per-mill yield of the county board. 41445

(9) "County yield per enrollee" of a county board means the 41446  
quotient obtained by dividing (a) the county yield of the county 41447  
board by (b) the adult enrollment of the county board. 41448

(10) "Statewide yield per enrollee" means the quotient 41449  
obtained by dividing (a) the sum of the county yields of all 41450  
county boards by (b) the sum of the adult enrollments of all 41451  
county boards. 41452

(11) "Local tax effort for adult services" of a county board 41453  
means one thousand multiplied by the quotient obtained by dividing 41454  
(a) the local adult services cost of the county board by (b) the 41455  
taxable value of the county board. 41456

(12) "Funding percentage" for a fiscal year means the 41457  
percentage that the amount appropriated to the department for the 41458  
purpose of making payments under this section in the fiscal year 41459  
is of the amount computed under division (C)(3) of this section 41460  
for the fiscal year. 41461

(13) "Funding-adjusted required millage" for a fiscal year 41462  
means the statewide average millage multiplied by the funding 41463  
percentage for that fiscal year. 41464

(B)(1) On the request of the director of mental retardation 41465  
and developmental disabilities, the tax commissioner shall provide 41466  
to the department of mental retardation and developmental 41467  
disabilities information specifying the taxable value of property 41468  
on each county's tax list of real and public utility property and 41469  
tax list of personal property for the most recent tax year for 41470  
which such information is available. The director may request any 41471  
other tax information necessary for the purposes of this section. 41472

(2) On the request of the director, each county board shall 41473

report the county board's adult services enrollment and local 41474  
adult services cost. 41475

(C) Each year, the department of mental retardation and 41476  
developmental disabilities shall compute the following: 41477

(1) For each county board, the amount, if any, by which the 41478  
statewide yield per enrollee exceeds the county yield per 41479  
enrollee; 41480

(2) For each county board, the amount of any excess computed 41481  
under division (C)(1) of this section multiplied by the adult 41482  
services enrollment of the county board; 41483

(3) The sum of the amounts computed under division (C)(2) of 41484  
this section for all county boards. 41485

(D) From money appropriated for the purpose, the department 41486  
shall provide for payment to each county board of the amount 41487  
computed for that county board under division (C)(2) of this 41488  
section, subject to any reduction or adjustment under division 41489  
(E), (F), or (G) of this section. The department shall make the 41490  
payments in quarterly installments of equal amounts. The 41491  
installments shall be made not later than the thirtieth day of 41492  
September, thirty-first day of December, thirty-first day of 41493  
March, and thirtieth day of June. 41494

(E) If a county board's local tax effort for adult services 41495  
is less than the funding-adjusted required millage, the director 41496  
shall reduce the amount of payment otherwise computed under 41497  
division (C)(2) of this section so that the amount paid, after the 41498  
reduction, is the same percentage of the amount computed under 41499  
division (C)(2) of this section as the county board's local tax 41500  
effort for adult services is of the funding-adjusted required 41501  
millage. 41502

If the director reduces the amount of a county board's 41503  
payment under this division, the department, not later than the 41504

fifteenth day of July, shall notify the county board of the 41505  
reduction and the amount of the reduction. The notice shall 41506  
include a statement that the county board may request to be 41507  
exempted from the reduction by filing a request with the director, 41508  
in the manner and form prescribed by the director, within 41509  
twenty-one days after such notification is issued. The board may 41510  
present evidence of its attempt to obtain passage of levies or any 41511  
other extenuating circumstances the board considers relevant. If 41512  
the county board requests a hearing before the director to present 41513  
such evidence, the director shall conduct a hearing on the request 41514  
unless the director exempts the board from the reduction on the 41515  
basis of the evidence presented in the request filed by the board. 41516  
Upon receiving a properly and timely filed request for exemption, 41517  
but not later than the thirty-first day of August, the director 41518  
shall determine whether the county board shall be exempted from 41519  
all or a part of the reduction. The director may exempt the board 41520  
from all or part of the reduction if the director finds that the 41521  
board has made good faith efforts to obtain passage of tax levies 41522  
or that there are extenuating circumstances. 41523

(F) If a payment is reduced under division (E) of this 41524  
section and the director does not exempt the county board from the 41525  
reduction, the amount of the reduction shall be apportioned among 41526  
all county boards entitled to payments under this section for 41527  
which payments were not so reduced. The amount apportioned to each 41528  
county board shall be proportionate to the amount of the board's 41529  
payment as computed under division (C)(2) of this section. 41530

(G) If, for any fiscal year, the amount appropriated to the 41531  
department for the purpose of this section is less than the amount 41532  
computed under division (C)(3) of this section for the fiscal 41533  
year, the department shall adjust the amount of each payment as 41534  
computed under divisions (C)(2), (E), and (F) of this section by 41535  
multiplying that amount by the funding percentage. 41536

(H) The payments authorized by this section are supplemental 41537  
to all other funds that may be received by a county board. A 41538  
county board shall use the payments solely to pay the nonfederal 41539  
share of medicaid expenditures that ~~division (A) of section~~ 41540  
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code 41541  
~~requires~~ require the county board to pay. 41542

**Sec. 5126.19.** (A) The director of mental retardation and 41543  
developmental disabilities may grant temporary funding from the 41544  
community mental retardation and developmental disabilities trust 41545  
fund based on allocations to county boards of mental retardation 41546  
and developmental disabilities. The director may distribute all or 41547  
part of the funding directly to a county board, the persons who 41548  
provide the services for which the funding is granted, or persons 41549  
with mental retardation or developmental disabilities who are to 41550  
receive those services. 41551

(B) Funding granted under division (A) of this section shall 41552  
be granted according to the availability of moneys in the fund and 41553  
priorities established by the director. Funding may be granted for 41554  
any of the following purposes: 41555

(1) Behavioral or short-term interventions for persons with 41556  
mental retardation or developmental disabilities that assist them 41557  
in remaining in the community by preventing institutionalization; 41558

(2) Emergency respite care services, as defined in section 41559  
5126.11 of the Revised Code; 41560

(3) Family support services provided under section 5126.11 of 41561  
the Revised Code; 41562

(4) Supported living, as defined in section 5126.01 of the 41563  
Revised Code; 41564

(5) Staff training for county board employees, employees of 41565  
providers of residential services as defined in section 5126.01 of 41566

the Revised Code, and other personnel under contract with a county board, to provide the staff with necessary training in serving mentally retarded or developmentally disabled persons in the community;

(6) Short-term provision of early childhood services provided under section 5126.05, adult services provided under sections 5126.05 and 5126.051, and service and support administration provided under section 5126.15 of the Revised Code, when local moneys are insufficient to meet the need for such services due to the successive failure within a two-year period of three or more proposed levies for the services;

(7) Contracts with providers of residential services to maintain persons with mental retardation and developmental disabilities in their programs and avoid institutionalization.

(C) If the trust fund contains more than ten million dollars on the first day of July the director shall use ~~one million dollars for payments under section 5126.12 of the Revised Code,~~ one million dollars for payments under section 5126.18 of the Revised Code, ~~and two million dollars for payments under section 5126.44 of the Revised Code~~ subsidies to county boards for supported living, and one million dollars for subsidies to county boards for early childhood services and adult services provided under section 5126.05 of the Revised Code. Distributions of funds under this division shall be made prior to August 31 of the state fiscal year in which the funds are available. The funds shall be allocated to a county board in an amount equal to the same percentage of the total amount allocated to the county board the immediately preceding state fiscal year.

(D) In addition to making grants under division (A) of this section, the director may use money available in the trust fund for the same purposes that rules adopted under section 5123.0413 of the Revised Code provide for money in the state MR/DD risk fund

and the state insurance against MR/DD risk fund, both created 41599  
under that section, to be used. 41600

**Sec. 5126.25.** (A) The director of mental retardation and 41601  
developmental disabilities shall adopt rules in accordance with 41602  
Chapter 119. of the Revised Code establishing uniform standards 41603  
and procedures for the certification of persons for employment by 41604  
county boards of mental retardation and developmental disabilities 41605  
as superintendents, management employees, and professional 41606  
employees and uniform standards and procedures for the 41607  
registration of persons for employment by county boards as 41608  
registered service employees. As part of the rules, the director 41609  
may establish continuing education and professional training 41610  
requirements for renewal of certificates and evidence of 41611  
registration and shall establish such requirements for renewal of 41612  
an investigative agent certificate. In the rules, the director 41613  
shall establish certification standards for employment in the 41614  
position of investigative agent that require an individual to have 41615  
or obtain no less than an associate degree from an accredited 41616  
college or university or have or obtain comparable experience or 41617  
training. The director shall not adopt rules that require any 41618  
service employee to have or obtain a bachelor's or higher degree. 41619

The director shall adopt the rules in a manner that provides 41620  
for the issuance of certificates and evidence of registration 41621  
according to categories, levels, and grades. The rules shall 41622  
describe each category, level, and grade. 41623

The rules adopted under this division shall apply to persons 41624  
employed or seeking employment in a position that includes 41625  
directly providing, or supervising persons who directly provide, 41626  
services or instruction to or on behalf of individuals with mental 41627  
retardation or developmental disabilities, except that the rules 41628  
shall not apply to persons who hold a valid license issued under 41629

Chapter 3319. of the Revised Code and perform no duties other than 41630  
teaching or supervision of a teaching program or persons who hold 41631  
a valid license or certificate issued under Title XLVII of the 41632  
Revised Code and perform only those duties governed by the license 41633  
or certificate. The rules shall specify the positions that require 41634  
certification or registration. The rules shall specify that the 41635  
position of investigative agent requires certification. 41636

(B) The director shall adopt rules in accordance with Chapter 41637  
119. of the Revised Code establishing standards for approval of 41638  
courses of study to prepare persons to meet certification 41639  
requirements. The director shall approve courses of study meeting 41640  
the standards and provide for the inspection of the courses to 41641  
ensure the maintenance of satisfactory training procedures. The 41642  
director shall approve courses of study only if given by a state 41643  
university or college as defined in section 3345.32 of the Revised 41644  
Code, a state university or college of another state, or an 41645  
institution that has received a certificate of authorization to 41646  
confer degrees from the board of regents pursuant to Chapter 1713. 41647  
of the Revised Code or from a comparable agency of another state. 41648

(C) Each applicant for a certificate for employment or 41649  
evidence of registration for employment by a county board shall 41650  
apply to the department of mental retardation and developmental 41651  
disabilities on forms that the director of the department shall 41652  
prescribe and provide. The application shall be accompanied by the 41653  
application fee established in rules adopted under this section. 41654

(D) The director shall issue a certificate for employment to 41655  
each applicant who meets the standards for certification 41656  
established under this section and shall issue evidence of 41657  
registration for employment to each applicant who meets the 41658  
standards for registration established under this section. Each 41659  
certificate or evidence of registration shall state the category, 41660  
level, and grade for which it is issued. 41661

The director shall issue, renew, deny, suspend, or revoke 41662  
certificates and evidence of registration in accordance with rules 41663  
adopted under this section. The director shall deny, suspend, or 41664  
revoke a certificate or evidence of registration if the director 41665  
finds, pursuant to an adjudication conducted in accordance with 41666  
Chapter 119. of the Revised Code, that the applicant for or holder 41667  
of the certificate or evidence of registration is guilty of 41668  
intemperate, immoral, or other conduct unbecoming to the 41669  
applicant's or holder's position, or is guilty of incompetence or 41670  
negligence within the scope of the applicant's or holder's duties. 41671  
The director shall deny or revoke a certificate or evidence of 41672  
registration if the director finds, pursuant to an adjudication 41673  
conducted in accordance with Chapter 119. of the Revised Code, 41674  
that the applicant for or holder of the certificate or evidence of 41675  
registration has been convicted of or pleaded guilty to any of the 41676  
offenses described in division (E) of section 5126.28 of the 41677  
Revised Code, unless the individual meets standards for 41678  
rehabilitation that the director establishes in the rules adopted 41679  
under that section. Evidence supporting such allegations shall be 41680  
presented to the director in writing and the director shall 41681  
provide prompt notice of the allegations to the person who is the 41682  
subject of the allegations. A denial, suspension, or revocation 41683  
may be appealed in accordance with procedures the director shall 41684  
establish in the rules adopted under this section. 41685

(E)(1) A person holding a valid certificate under this 41686  
section on the effective date of any rules adopted under this 41687  
section that increase certification standards shall have such 41688  
period as the rules prescribe, but not less than one year after 41689  
the effective date of the rules, to meet the new certification 41690  
standards. 41691

A person who is registered under this section on the 41692  
effective date of any rule that changes the standards adopted 41693

under this section shall have such period as the rules prescribe, 41694  
but not less than one year, to meet the new registration 41695  
standards. 41696

(2) If an applicant for a certificate for employment has not 41697  
completed the courses of instruction necessary to meet the 41698  
department's standards for certification, the department shall 41699  
inform the applicant of the courses the applicant must 41700  
successfully complete to meet the standards and shall specify the 41701  
time within which the applicant must complete the courses. The 41702  
department shall grant the applicant at least one year to complete 41703  
the courses and shall not require the applicant to complete more 41704  
than four courses in any one year. The applicant is not subject to 41705  
any changes regarding the courses required for certification that 41706  
are made after the department informs the applicant of the courses 41707  
the applicant must complete, unless the applicant does not 41708  
successfully complete the courses within the time specified by the 41709  
department. 41710

(F) A person who holds a certificate or evidence of 41711  
registration, other than one designated as temporary, is qualified 41712  
to be employed according to that certificate or evidence of 41713  
registration by any county board. 41714

(G) The director shall monitor county boards to ensure that 41715  
their employees who must be certified or registered are 41716  
appropriately certified or registered and performing those 41717  
functions they are authorized to perform under their certificate 41718  
or evidence of registration. 41719

(H) A county board superintendent or the superintendent's 41720  
designee may certify to the director that county board employees 41721  
who are required to meet continuing education or professional 41722  
training requirements as a condition of renewal of certificates or 41723  
evidence of registration have met the requirements. The 41724  
superintendent or the superintendent's designee shall maintain in 41725

appropriate personnel files evidence acceptable to the director 41726  
that the employees have met the requirements and permit 41727  
representatives of the department access to the evidence on 41728  
request. 41729

(I) All fees collected pursuant to this section shall be 41730  
deposited in the state treasury to the credit of the ~~employee~~ 41731  
~~certification and registration program fee~~ fund, which is hereby 41732  
created under section 5123.033 of the Revised Code. Money credited 41733  
~~to the fund shall be used solely for the operation of the~~ 41734  
~~certification and registration program established under this~~ 41735  
~~section and for providing continuing training to county board~~ 41736  
~~employees.~~ 41737

(J) Employees of entities that contract with county boards of 41738  
mental retardation and developmental disabilities to operate 41739  
programs and services for individuals with mental retardation and 41740  
developmental disabilities are subject to the certification and 41741  
registration requirements established under section 5123.082 of 41742  
the Revised Code. 41743

**Sec. 5126.40.** (A) Sections 5126.40 to 5126.47 of the Revised 41744  
Code do not apply to medicaid-funded supported living. 41745

(B) As used in ~~this section and~~ sections ~~5126.41~~ 5126.40 to 41746  
5126.47 of the Revised Code, "provider" means a person or 41747  
government entity certified by the ~~department~~ director of mental 41748  
retardation and developmental disabilities to provide supported 41749  
living for individuals with mental retardation and developmental 41750  
disabilities. 41751

~~(B) This division is in effect until July 1, 1995. By~~ 41752  
~~adoption of a resolution by affirmative vote of a majority of its~~ 41753  
~~members, a county board of mental retardation and developmental~~ 41754  
~~disabilities shall have authority to plan and develop supported~~ 41755  
~~living for individuals with mental retardation and developmental~~ 41756

~~disabilities who are residents of the county and, as provided in 41757  
sections 5126.41 to 5126.47 of the Revised Code, contract with 41758  
providers and enter into shared funding arrangements. The board's 41759  
authority under this division is effective on the department's 41760  
receipt of the resolution. 41761~~

(C) On and after July 1, 1995, each county board shall plan 41762  
and develop supported living for individuals with mental 41763  
retardation and developmental disabilities who are residents of 41764  
the county in accordance with sections 5126.41 to 5126.47 of the 41765  
Revised Code. 41766

**Sec. 5126.42.** (A) A county board of mental retardation and 41767  
developmental disabilities shall establish an advisory council 41768  
composed of board members or employees of the board, providers, 41769  
individuals receiving supported living, and advocates for 41770  
individuals receiving supported living to provide on-going 41771  
communication among all persons concerned with supported living. 41772

(B) The board shall develop procedures for the resolution of 41773  
grievances between the board and providers or between the board 41774  
and an entity with which it has a shared funding agreement. 41775

(C) The board shall develop and implement a provider 41776  
selection system. Each system shall enable an individual to choose 41777  
to continue receiving supported living from the same providers, to 41778  
select additional providers, or to choose alternative providers. 41779  
Annually, the board shall review its provider selection system to 41780  
determine whether it has been implemented in a manner that allows 41781  
individuals fair and equitable access to providers. 41782

In developing a provider selection system, the county board 41783  
shall create a pool of providers for individuals to use in 41784  
choosing their providers of supported living. The pool shall be 41785  
created by placing in the pool all providers on record with the 41786  
board or by placing in the pool all providers approved by the 41787

board through soliciting requests for proposals for supported 41788  
living contracts. In either case, only providers that are 41789  
certified by the ~~department~~ director of mental retardation and 41790  
developmental disabilities ~~and in compliance with the quality~~ 41791  
~~assurance standards established in rules adopted by the department~~ 41792  
may be placed in the pool. 41793

If the board places all providers on record in the pool, the 41794  
board shall review the pool at least annually to determine whether 41795  
each provider has continued interest in being a provider and has 41796  
maintained its certification by the department. At any time, an 41797  
interested and certified provider may make a request to the board 41798  
that it be added to the pool, and the board shall add the provider 41799  
to the pool not later than seven days after receiving the request. 41800

If the board solicits requests for proposals for inclusion of 41801  
providers in the pool, the board shall develop standards for 41802  
selecting the providers to be included. Requests for proposals 41803  
shall be solicited at least annually. When requests are solicited, 41804  
the board shall cause legal notices to be published at least once 41805  
each week for two consecutive weeks in a newspaper with general 41806  
circulation within the county. The board's formal request for 41807  
proposals shall include a description of any applicable contract 41808  
terms, the standards that are used to select providers for 41809  
inclusion in the pool, and the process the board uses to resolve 41810  
disputes arising from the selection process. The board shall 41811  
accept requests from any entity interested in being a provider of 41812  
supported living for individuals served by the board. Requests 41813  
shall be approved or denied according to the standards developed 41814  
by the board. Providers that previously have been placed in the 41815  
pool are not required to resubmit a request for proposal to be 41816  
included in the pool, unless the board's standards have been 41817  
changed. 41818

In assisting an individual in choosing a provider, the county 41819

board shall provide the individual with uniform and consistent 41820  
information pertaining to each provider in the pool, ~~including the~~ 41821  
~~provider evaluations conducted under section 5126.431 of the~~ 41822  
~~Revised Code on and after July 1, 1995.~~ An individual may choose 41823  
to receive supported living from a provider that is not included 41824  
in the pool, if the provider is certified by the ~~department~~ 41825  
director of mental retardation and developmental disabilities ~~and~~ 41826  
~~in compliance with the quality assurance standards established in~~ 41827  
~~rules adopted by the department.~~ 41828

**Sec. 5126.43.** (A) After receiving notice from the department 41829  
of mental retardation and developmental disabilities of the amount 41830  
of state funds to be distributed to it ~~under section 5126.44 of~~ 41831  
~~the Revised Code for planning, developing, contracting for, and~~ 41832  
providing supported living, the county board of mental retardation 41833  
and developmental disabilities shall arrange for supported living 41834  
on behalf of and with the consent of individuals based on their 41835  
individual service plans developed under section 5126.41 of the 41836  
Revised Code. With the state distribution and any other money 41837  
designated by the board for supported living, the board shall 41838  
arrange for supported living in one or more of the following ways: 41839

(1) By contracting under section 5126.45 of the Revised Code 41840  
with providers selected by the individual to be served; 41841

(2) By entering into shared funding agreements with state 41842  
agencies, local public agencies, or political subdivisions at 41843  
rates negotiated by the board; 41844

(3) By providing direct payment or vouchers to be used to 41845  
purchase supported living, pursuant to a written contract in an 41846  
amount determined by the board, to the individual or a person 41847  
providing the individual with protective services as defined in 41848  
section 5123.55 of the Revised Code. 41849

(B) ~~When the board contracts for supported living on behalf~~ 41850

~~of an individual, the~~ The board may contract arrange for supported 41851  
living only with providers that are certified by the department 41852  
director of mental retardation and developmental disabilities and 41853  
~~are in compliance with the quality assurance standards established~~ 41854  
~~in rules adopted by the department. The contract terms shall be as~~ 41855  
~~provided in section 5126.45 of the Revised Code.~~ 41856

When no certified provider is willing and able to provide 41857  
supported living for an individual in accordance with the terms of 41858  
the individual service plan for that individual, a county board 41859  
may provide supported living directly, if it ~~complies with~~ 41860  
~~certification and quality assurance standards established by the~~ 41861  
~~department~~ is certified by the director of mental retardation and 41862  
developmental disabilities to provide supported living. 41863

A county board may, for a period not to exceed ninety days, 41864  
contract for or provide supported living without meeting the 41865  
requirements of this section for an individual it determines to be 41866  
in emergency need of supported living. Thereafter, the individual 41867  
shall choose providers in accordance with sections 5126.41 and 41868  
5126.42 of the Revised Code. 41869

**Sec. 5126.45.** (A) A contract between a county board of mental 41870  
retardation and developmental disabilities and a provider of 41871  
supported living shall be in writing and shall be based on the 41872  
individual service plan developed by the individual under section 41873  
5126.41 of the Revised Code. The plan may be submitted as an 41874  
addendum to the contract. An individual receiving services 41875  
pursuant to a contract shall be considered a third-party 41876  
beneficiary to the contract. 41877

~~The board shall not contract with a provider to provide a~~ 41878  
~~residence to a person to whom the provider is providing other~~ 41879  
~~supported living services, unless one of the following applies:~~ 41880

~~(1) The provider is under contract with the board for both~~ 41881

~~residence and services on July 17, 1990, and the contract is being renewed.~~ 41882  
41883

~~(2) The provider has a contract being transferred from the state to the county board under section 5126.451 of the Revised Code and the contract is being renewed.~~ 41884  
41885  
41886

~~(3) The provider lives in the residence and provides services to not more than three persons who reside in the residence at any one time.~~ 41887  
41888  
41889

~~(4) The provider is an association of family members related to two or more of the persons who reside in the residence and provides services to not more than four persons who reside in the residence at any one time.~~ 41890  
41891  
41892  
41893

(B) The contract shall be negotiated between the provider and the county board. The terms of the contract shall include at least the following: 41894  
41895  
41896

(1) The contract period and conditions for renewal; 41897

(2) The services to be provided pursuant to the individual service plan; 41898  
41899

(3) The rights and responsibilities of all parties to the contract; 41900  
41901

(4) The methods that will be used to evaluate the services delivered by the provider; 41902  
41903

(5) Procedures for contract modification that ensure all parties affected by the modification are involved and agree; 41904  
41905

(6) A process for resolving conflicts between individuals receiving services, the county board, and the provider, as applicable; 41906  
41907  
41908

(7) Procedures for the retention of applicable records; 41909

(8) Provisions for contract termination by any party involved 41910

that include requirements for an appropriate notice of intent to terminate the contract;	41911 41912
(9) Methods to be used to document services provided;	41913
(10) Procedures for submitting reports required by the county board as a condition of receiving payment under the contract;	41914 41915
(11) The method and schedule the board will use to make payments to the provider and whether periodic payment adjustments will be made to the provider;	41916 41917 41918
(12) Provisions for conducting fiscal reconciliations for payments made through methods other than a fee-for-service arrangement.	41919 41920 41921
(C) Payments to the provider under a supported living contract must be determined by the board to be reasonable in accordance with policies and procedures developed by the board. Goods or services provided without charge to the provider shall not be included as expenditures of the provider.	41922 41923 41924 41925 41926
(D) The board shall establish procedures for reconciling expenditures and payments, other than those made under a fee-for-service arrangement, for the prior contract year when a contract is not renewed and shall reconcile expenditures and payments in accordance with these procedures.	41927 41928 41929 41930 41931
(E) A provider or an entity with which the board has entered into a shared funding agreement may appeal a negotiated contract or proposed shared funding rate to the county board using the procedures established by the board under section 5126.42 of the Revised Code.	41932 41933 41934 41935 41936
<b>Sec. 5126.47.</b> A county board of mental retardation and developmental disabilities <del>that has adopted a resolution under section 5126.40 of the Revised Code</del> may, pursuant to a resolution adopted by an affirmative vote of the majority of its members,	41937 41938 41939 41940

establish, by agreement with one or more other county boards of 41941  
mental retardation and developmental disabilities, a residential 41942  
services consortium to jointly provide residential services and 41943  
supported living. The agreement shall designate one board to 41944  
assume the fiscal responsibilities for the consortium. The county 41945  
auditor of the designated county shall establish a community 41946  
mental retardation and developmental disabilities residential 41947  
services fund for the consortium. Each board that is a member of 41948  
the consortium shall cause to be deposited in the fund ~~all moneys~~ 41949  
~~distributed to it by the department of mental retardation and~~ 41950  
~~developmental disabilities under section 5126.44 of the Revised~~ 41951  
~~Code and any other~~ state or federal money received for community 41952  
residential services the county board has agreed to contribute to 41953  
the consortium. 41954

**Sec. 5139.27.** The department of youth services shall adopt 41955  
rules prescribing the minimum standards of construction for a 41956  
school, forestry camp, or other facility established under section 41957  
2151.65 of the Revised Code for which financial assistance may be 41958  
granted to assist in defraying the cost of the construction of the 41959  
school, forestry camp, or other facility. If an application for 41960  
that financial assistance is filed with the department under 41961  
section 2151.651 of the Revised Code, and the department finds 41962  
that the application is in proper form and the specifications for 41963  
the construction of the school, forestry camp, or other facility 41964  
meet the minimum standards set forth in the rules adopted by the 41965  
department, the department may, from moneys available to it for 41966  
granting financial assistance for the construction of schools, 41967  
forestry camps, or other facilities established under section 41968  
2151.65 of the Revised Code, grant financial assistance to the 41969  
county making the application, subject to the approval of the 41970  
controlling board, in an amount not to exceed one-half of the 41971  
county's share of the cost of construction of the school, forestry 41972

camp, or other facility but not to exceed six thousand five 41973  
hundred dollars for each bed unit provided for in the school, 41974  
forestry camp, or other facility. As used in this section, 41975  
"construction" means the building and the initial equipping of new 41976  
structures and, to the extent provided for in rules adopted by the 41977  
department, the acquisition, remodeling, and initial equipping of 41978  
existing structures, excluding architect's fees and the cost of 41979  
land acquisition. 41980

A county that receives financial assistance under this 41981  
section shall not be obligated to repay the assistance to the 41982  
state unless the school, forestry camp, or other facility for 41983  
which the assistance is granted is used within the ten-year period 41984  
immediately following its establishment for other than the purpose 41985  
of rehabilitating children between the ages of twelve to eighteen 41986  
years, other than psychotic or mentally retarded children, who are 41987  
designated delinquent children, as defined in section 2152.02 of 41988  
the Revised Code, or unruly, as defined in section 2151.022 of the 41989  
Revised Code, by order of a juvenile court. If the department of 41990  
youth services finds that the school, forestry camp, or other 41991  
facility is used for other than that purpose within that ten-year 41992  
period, the county shall be obligated to repay the assistance to 41993  
the state and, through its board of county commissioners, may 41994  
enter into an agreement with the director of budget and management 41995  
for the discharge of that obligation over a period not to exceed 41996  
ten years in duration. Whenever a county is obligated to repay 41997  
that assistance to the state and its board of county commissioners 41998  
fails to enter into or fails to comply with an agreement for the 41999  
discharge of that obligation, the tax commissioner, pursuant to 42000  
section 5747.54 of the Revised Code, shall withhold from 42001  
distribution to the county from the local ~~government~~ communities 42002  
fund an amount sufficient to discharge the county from that 42003  
obligation to the state. 42004

**Sec. 5139.271.** Subject to the approval of the controlling board, the department of youth services may grant and pay financial assistance to defray the county's share of the cost of acquiring or constructing a district detention facility, established under section 2152.41 of the Revised Code, to any county making application under section 2152.43 of the Revised Code if the department finds that the application was made in accordance with its rules and the facility or the specifications for the facility meet minimum standards established by the department. No financial assistance shall be granted for defraying the cost of architects' fees or land.

The department shall adopt rules prescribing the minimum standards of construction and condition of existing structures, established under section 2152.41 of the Revised Code, for which financial assistance is granted under this section. The department may recommend programs of education and training and the qualifications desired for personnel of a district detention facility.

The amount of financial assistance granted to any county shall not exceed one-half of the county's share of the cost of acquisition or construction of the facility. The total of all state assistance for any home shall not exceed six thousand five hundred dollars for each bed unit provided for in the facility.

A county that receives financial assistance under this section shall repay the assistance to the state if the facility for which the assistance is granted is used within the ten-year period immediately following its establishment for purposes other than those contained in section 2152.41 of the Revised Code. A board of county commissioners that uses the facility for any other purpose within that period shall enter into an agreement with the director of budget and management for the discharge of that

obligation over a period not to exceed ten years. If a board of 42036  
county commissioners fails to enter into an agreement for the 42037  
discharge of that obligation, or fails to comply with the terms of 42038  
such an agreement, the director shall direct the tax commissioner, 42039  
pursuant to section 5747.54 of the Revised Code, to withhold from 42040  
the distribution of the local ~~government~~ communities fund an 42041  
amount sufficient to discharge the obligation. 42042

As used in this section: 42043

(A) "Construction" means the building and initial equipping 42044  
of new structures. 42045

(B) "Acquisition" means "acquisition" as defined in the rules 42046  
of the department, which may include the purchase, remodeling, and 42047  
initial equipping of existing structures. 42048

**Sec. 5139.43.** (A) The department of youth services shall 42049  
operate a felony delinquent care and custody program that shall be 42050  
operated in accordance with the formula developed pursuant to 42051  
section 5139.41 of the Revised Code, subject to the conditions 42052  
specified in this section. 42053

(B)(1) Each juvenile court shall use the moneys disbursed to 42054  
it by the department of youth services pursuant to division (B) of 42055  
section 5139.41 of the Revised Code in accordance with the 42056  
applicable provisions of division (B)(2) of this section and shall 42057  
transmit the moneys to the county treasurer for deposit in 42058  
accordance with this division. The county treasurer shall create 42059  
in the county treasury a fund that shall be known as the felony 42060  
delinquent care and custody fund and shall deposit in that fund 42061  
the moneys disbursed to the juvenile court pursuant to division 42062  
(B) of section 5139.41 of the Revised Code. The county treasurer 42063  
also shall deposit into that fund the state subsidy funds granted 42064  
to the county pursuant to section 5139.34 of the Revised Code. The 42065  
moneys disbursed to the juvenile court pursuant to division (B) of 42066

section 5139.41 of the Revised Code and deposited pursuant to this 42067  
division in the felony delinquent care and custody fund shall not 42068  
be commingled with any other county funds except state subsidy 42069  
funds granted to the county pursuant to section 5139.34 of the 42070  
Revised Code; shall not be used for any capital construction 42071  
projects; upon an order of the juvenile court and subject to 42072  
appropriation by the board of county commissioners, shall be 42073  
disbursed to the juvenile court for use in accordance with the 42074  
applicable provisions of division (B)(2) of this section; shall 42075  
not revert to the county general fund at the end of any fiscal 42076  
year; and shall carry over in the felony delinquent care and 42077  
custody fund from the end of any fiscal year to the next fiscal 42078  
year. At the end of each fiscal year, beginning June 30, 2008, the 42079  
balance in the felony delinquent care and custody fund in any 42080  
county shall not exceed the total moneys allocated to the county 42081  
pursuant to sections 5139.34 and 5139.41 of the Revised Code 42082  
during the previous fiscal year, unless that county has applied 42083  
for and been granted an exemption by the director of youth 42084  
services. The department shall withhold from future payments to a 42085  
county an amount equal to any moneys in the felony delinquent care 42086  
and custody fund of the county that exceed the total moneys 42087  
allocated pursuant to those sections to the county during the 42088  
preceding fiscal year and shall reallocate the withheld amount. 42089  
The department shall adopt rules for the withholding and 42090  
reallocation of moneys disbursed under sections 5139.34 and 42091  
5139.41 of the Revised Code and for the criteria and process for a 42092  
county to obtain an exemption from the withholding requirement. 42093  
The moneys disbursed to the juvenile court pursuant to division 42094  
(B) of section 5139.41 of the Revised Code and deposited pursuant 42095  
to this division in the felony delinquent care and custody fund 42096  
shall be in addition to, and shall not be used to reduce, any 42097  
usual annual increase in county funding that the juvenile court is 42098  
eligible to receive or the current level of county funding of the 42099

juvenile court and of any programs or services for delinquent 42100  
children, unruly children, or juvenile traffic offenders. 42101

(2)(a) A county and the juvenile court that serves the county 42102  
shall use the moneys in its felony delinquent care and custody 42103  
fund in accordance with rules that the department of youth 42104  
services adopts pursuant to division (D) of section 5139.04 of the 42105  
Revised Code and as follows: 42106

(i) The moneys in the fund that represent state subsidy funds 42107  
granted to the county pursuant to section 5139.34 of the Revised 42108  
Code shall be used to aid in the support of prevention, early 42109  
intervention, diversion, treatment, and rehabilitation programs 42110  
that are provided for alleged or adjudicated unruly children or 42111  
delinquent children or for children who are at risk of becoming 42112  
unruly children or delinquent children. The county shall not use 42113  
for capital improvements more than fifteen per cent of the moneys 42114  
in the fund that represent the applicable annual grant of those 42115  
state subsidy funds. 42116

(ii) The moneys in the fund that were disbursed to the 42117  
juvenile court pursuant to division (B) of section 5139.41 of the 42118  
Revised Code and deposited pursuant to division (B)(1) of this 42119  
section in the fund shall be used to provide programs and services 42120  
for the training, treatment, or rehabilitation of felony 42121  
delinquents that are alternatives to their commitment to the 42122  
department, including, but not limited to, community residential 42123  
programs, day treatment centers, services within the home, and 42124  
electronic monitoring, and shall be used in connection with 42125  
training, treatment, rehabilitation, early intervention, or other 42126  
programs or services for any delinquent child, unruly child, or 42127  
juvenile traffic offender who is under the jurisdiction of the 42128  
juvenile court. 42129

The fund also may be used for prevention, early intervention, 42130  
diversion, treatment, and rehabilitation programs that are 42131

provided for alleged or adjudicated unruly children, delinquent 42132  
children, or juvenile traffic offenders or for children who are at 42133  
risk of becoming unruly children, delinquent children, or juvenile 42134  
traffic offenders. Consistent with division (B)(1) of this 42135  
section, a county and the juvenile court of a county shall not use 42136  
any of those moneys for capital construction projects. 42137

(iii) The county and the juvenile court that serves the 42138  
county may not use moneys in the fund for the provision of care 42139  
and services for children, including, but not limited to, care and 42140  
services in a detention facility, in another facility, or in 42141  
out-of-home placement, unless the minimum standards that apply to 42142  
the care and services and that the department prescribes in rules 42143  
adopted pursuant to division (D) of section 5139.04 of the Revised 42144  
Code have been satisfied. 42145

(b) Each juvenile court shall comply with division (B)(3)(d) 42146  
of this section as implemented by the department. 42147

(3) In accordance with rules adopted by the department 42148  
pursuant to division (D) of section 5139.04 of the Revised Code, 42149  
each juvenile court and the county served by that juvenile court 42150  
shall do all of the following that apply: 42151

(a) The juvenile court shall prepare an annual grant 42152  
agreement and application for funding that satisfies the 42153  
requirements of this section and section 5139.34 of the Revised 42154  
Code and that pertains to the use, upon an order of the juvenile 42155  
court and subject to appropriation by the board of county 42156  
commissioners, of the moneys in its felony delinquent care and 42157  
custody fund for specified programs, care, and services as 42158  
described in division (B)(2)(a) of this section, shall submit that 42159  
agreement and application to the county family and children first 42160  
council, the regional family and children first council, or the 42161  
local intersystem services to children cluster as described in 42162  
sections 121.37 and 121.38 of the Revised Code, whichever is 42163

applicable, and shall file that agreement and application with the department for its approval. The annual grant agreement and application for funding shall include a method of ensuring equal access for minority youth to the programs, care, and services specified in it.

The department may approve an annual grant agreement and application for funding only if the juvenile court involved has complied with the preparation, submission, and filing requirements described in division (B)(3)(a) of this section. If the juvenile court complies with those requirements and the department approves that agreement and application, the juvenile court and the county served by the juvenile court may expend the state subsidy funds granted to the county pursuant to section 5139.34 of the Revised Code only in accordance with division (B)(2)(a) of this section, the rules pertaining to state subsidy funds that the department adopts pursuant to division (D) of section 5139.04 of the Revised Code, and the approved agreement and application.

(b) By the thirty-first day of August of each year, the juvenile court shall file with the department a report that contains all of the statistical and other information for each month of the prior state fiscal year. If the juvenile court fails to file the report required by division (B)(3)(b) of this section by the thirty-first day of August of any year, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B) of section 5139.41 of the Revised Code the applicable allocation until the juvenile court fully complies with division (B)(3)(b) of this section.

(c) If the department requires the juvenile court to prepare monthly statistical reports and to submit the reports on forms provided by the department, the juvenile court shall file those

reports with the department on the forms so provided. If the 42196  
juvenile court fails to prepare and submit those monthly 42197  
statistical reports within the department's timelines, the 42198  
department shall not disburse any payment of state subsidy funds 42199  
to which the county otherwise is entitled pursuant to section 42200  
5139.34 of the Revised Code and shall not disburse pursuant to 42201  
division (B) of section 5139.41 of the Revised Code the applicable 42202  
allocation until the juvenile court fully complies with division 42203  
(B)(3)(c) of this section. If the juvenile court fails to prepare 42204  
and submit those monthly statistical reports within one hundred 42205  
eighty days of the date the department establishes for their 42206  
submission, the department shall not disburse any payment of state 42207  
subsidy funds to which the county otherwise is entitled pursuant 42208  
to section 5139.34 of the Revised Code and shall not disburse 42209  
pursuant to division (B) of section 5139.41 of the Revised Code 42210  
the applicable allocation, and the state subsidy funds and the 42211  
remainder of the applicable allocation shall revert to the 42212  
department. If a juvenile court states in a monthly statistical 42213  
report that the juvenile court adjudicated within a state fiscal 42214  
year five hundred or more children to be delinquent children for 42215  
committing acts that would be felonies if committed by adults and 42216  
if the department determines that the data in the report may be 42217  
inaccurate, the juvenile court shall have an independent auditor 42218  
or other qualified entity certify the accuracy of the data on a 42219  
date determined by the department. 42220

(d) If the department requires the juvenile court and the 42221  
county to participate in a fiscal monitoring program or another 42222  
monitoring program that is conducted by the department to ensure 42223  
compliance by the juvenile court and the county with division (B) 42224  
of this section, the juvenile court and the county shall 42225  
participate in the program and fully comply with any guidelines 42226  
for the performance of audits adopted by the department pursuant 42227  
to that program and all requests made by the department pursuant 42228

to that program for information necessary to reconcile fiscal 42229  
accounting. If an audit that is performed pursuant to a fiscal 42230  
monitoring program or another monitoring program described in this 42231  
division determines that the juvenile court or the county used 42232  
moneys in the county's felony delinquent care and custody fund for 42233  
expenses that are not authorized under division (B) of this 42234  
section, within forty-five days after the department notifies the 42235  
county of the unauthorized expenditures, the county either shall 42236  
repay the amount of the unauthorized expenditures from the county 42237  
general revenue fund to the state's general revenue fund or shall 42238  
file a written appeal with the department. If an appeal is timely 42239  
filed, the director of the department shall render a decision on 42240  
the appeal and shall notify the appellant county or its juvenile 42241  
court of that decision within forty-five days after the date that 42242  
the appeal is filed. If the director denies an appeal, the 42243  
county's fiscal agent shall repay the amount of the unauthorized 42244  
expenditures from the county general revenue fund to the state's 42245  
general revenue fund within thirty days after receiving the 42246  
director's notification of the appeal decision. If the county 42247  
fails to make the repayment within that thirty-day period and if 42248  
the unauthorized expenditures pertain to moneys allocated under 42249  
sections 5139.41 to 5139.43 of the Revised Code, the department 42250  
shall deduct the amount of the unauthorized expenditures from the 42251  
next allocation of those moneys to the county in accordance with 42252  
this section or from the allocations that otherwise would be made 42253  
under those sections to the county during the next state fiscal 42254  
year in accordance with this section and shall return that 42255  
deducted amount to the state's general revenue fund. If the county 42256  
fails to make the repayment within that thirty-day period and if 42257  
the unauthorized expenditures pertain to moneys granted pursuant 42258  
to section 5139.34 of the Revised Code, the department shall 42259  
deduct the amount of the unauthorized expenditures from the next 42260  
annual grant to the county pursuant to that section and shall 42261

return that deducted amount to the state's general revenue fund. 42262

(C) The determination of which county a reduction of the care 42263  
and custody allocation will be charged against for a particular 42264  
youth shall be made as outlined below for all youths who do not 42265  
qualify as public safety beds. The determination of which county a 42266  
reduction of the care and custody allocation will be charged 42267  
against shall be made as follows until each youth is released: 42268  
42269

(1) In the event of a commitment, the reduction shall be 42270  
charged against the committing county. 42271

(2) In the event of a recommitment, the reduction shall be 42272  
charged against the original committing county until the 42273  
expiration of the minimum period of institutionalization under the 42274  
original order of commitment or until the date on which the youth 42275  
is admitted to the department of youth services pursuant to the 42276  
order of recommitment, whichever is later. Reductions of the 42277  
allocation shall be charged against the county that recommitted 42278  
the youth after the minimum expiration date of the original 42279  
commitment. 42280

(3) In the event of a revocation of a release on parole, the 42281  
reduction shall be charged against the county that revokes the 42282  
youth's parole. 42283

(D) A juvenile court is not precluded by its allocation 42284  
amount for the care and custody of felony delinquents from 42285  
committing a felony delinquent to the department of youth services 42286  
for care and custody in an institution or a community corrections 42287  
facility when the juvenile court determines that the commitment is 42288  
appropriate. 42289

**Sec. 5302.30.** (A) As used in this section: 42290

(1) "Good faith" means honesty in fact in a transaction 42291

involving the transfer of residential real property. 42292

(2) "Land installment contract" has the same meaning as in 42293  
section 5313.01 of the Revised Code. 42294

(3) "Political subdivision" and "state" have the same 42295  
meanings as in section 2744.01 of the Revised Code. 42296

(4) "Residential real property" means real property that is 42297  
improved by a building or other structure that has one to four 42298  
dwelling units. 42299

(B)(1) Except as provided in division (B)(2) of this section, 42300  
this section applies to any transfer of residential real property 42301  
that occurs on or after July 1, 1993, by sale, land installment 42302  
contract, lease with option to purchase, exchange, or lease for a 42303  
term of ninety-nine years and renewable forever. For purposes of 42304  
this section, a transfer occurs when the initial contract for 42305  
transfer is executed, regardless of when legal title is 42306  
transferred, and references in this section to transfer offers and 42307  
transfer agreements refer to offers and agreements in respect of 42308  
the initial contract for transfer. 42309

(2) This section does not apply to any transfer of 42310  
residential real property that is any of the following: 42311

(a) A transfer pursuant to court order, including, but not 42312  
limited to, a transfer ordered by a probate court during the 42313  
administration of a decedent's estate, a transfer pursuant to a 42314  
writ of execution, a transfer by a trustee in bankruptcy, a 42315  
transfer as a result of the exercise of the power of eminent 42316  
domain, and a transfer that results from a decree for specific 42317  
performance of a contract or other agreement between persons; 42318

(b) A transfer to a mortgagee by a mortgagor by deed in lieu 42319  
of foreclosure or in satisfaction of the mortgage debt; 42320

(c) A transfer to a beneficiary of a deed of trust by a 42321

trustor in default;	42322
(d) A transfer by a foreclosure sale that follows a default in the satisfaction of an obligation secured by a mortgage;	42323 42324
(e) A transfer by a sale under a power of sale following a default in the satisfaction of an obligation that is secured by a deed of trust or another instrument containing a power of sale;	42325 42326 42327
(f) A transfer by a mortgagee, or a beneficiary under a deed of trust, who has acquired the residential real property at a sale conducted pursuant to a power of sale under a mortgage or a deed of trust or who has acquired the residential real property by a deed in lieu of foreclosure;	42328 42329 42330 42331 42332
(g) A transfer by a fiduciary in the course of the administration of a decedent's estate, a guardianship, a conservatorship, or a trust;	42333 42334 42335
(h) A transfer from one co-owner to one or more other co-owners;	42336 42337
(i) A transfer made to the transferor's spouse or to one or more persons in the lineal line of consanguinity of one or more of the transferors;	42338 42339 42340
(j) A transfer between spouses or former spouses as a result of a decree of divorce, dissolution of marriage, annulment, or legal separation or as a result of a property settlement agreement incidental to a decree of divorce, dissolution of marriage, annulment, or legal separation;	42341 42342 42343 42344 42345
(k) A transfer to or from the state, a political subdivision of the state, or another governmental entity;	42346 42347
(l) A transfer that involves newly constructed residential real property that previously has not been inhabited;	42348 42349
(m) A transfer to a transferee who has occupied the property as a personal residence for one or more years immediately prior to	42350 42351

the transfer; 42352

(n) A transfer from a transferor who both has not occupied 42353  
the property as a personal residence within one year immediately 42354  
prior to the transfer and has acquired the property through 42355  
inheritance or devise. 42356

(C) Except as provided in division (B)(2) of this section and 42357  
subject to divisions (E) and (F) of this section, every person who 42358  
intends to transfer any residential real property on or after July 42359  
1, 1993, by sale, land installment contract, lease with option to 42360  
purchase, exchange, or lease for a term of ninety-nine years and 42361  
renewable forever shall complete all applicable items in a 42362  
property disclosure form prescribed under division (D) of this 42363  
section and shall deliver in accordance with division (I) of this 42364  
section a signed and dated copy of the completed form to each 42365  
prospective transferee or prospective transferee's agent as soon 42366  
as is practicable. 42367

(D)~~(1)~~ Prior to July 1, 1993, the director of commerce, by 42368  
rule adopted in accordance with Chapter 119. of the Revised Code, 42369  
shall prescribe the disclosure form to be completed by 42370  
transferors. The form prescribed by the director shall be designed 42371  
to permit the transferor to disclose material matters relating to 42372  
the physical condition of the property to be transferred, 42373  
including, but not limited to, the source of water supply to the 42374  
property; the nature of the sewer system serving the property; the 42375  
condition of the structure of the property, including the roof, 42376  
foundation, walls, and floors; the presence of hazardous materials 42377  
or substances, including lead-based paint, asbestos, 42378  
urea-formaldehyde foam insulation, and radon gas; and any material 42379  
defects in the property that are within the actual knowledge of 42380  
the transferor. 42381

The form also shall set forth a statement of the purpose of 42382  
the form, including statements substantially similar to the 42383

following: that the form constitutes a statement of the conditions 42384  
of the property and of information concerning the property 42385  
actually known by the transferor; that, unless the transferee is 42386  
otherwise advised in writing, the transferor, other than having 42387  
lived at or owning the property, possesses no greater knowledge 42388  
than that which could be obtained by a careful inspection of the 42389  
property by a potential transferee; that the statement is not a 42390  
warranty of any kind by the transferor or by any agent or subagent 42391  
representing the transferor in this transaction; that the 42392  
statement is not a substitute for any inspections; that the 42393  
transferee is encouraged to obtain the transferee's own 42394  
professional inspection; that the representations are made by the 42395  
transferor and are not the representations of the transferor's 42396  
agent or subagent; and that the form and the representations 42397  
contained therein are provided by the transferor exclusively to 42398  
potential transferees in a transfer made by the transferor, and 42399  
are not made to transferees in any subsequent transfers. 42400

The form shall include instructions to the transferor for 42401  
completing the form, space in which the transferor or transferors 42402  
shall sign and date the form, and space in which the transferee or 42403  
transferees shall sign and date the form acknowledging receipt of 42404  
a copy of the form and stating that the transferee or transferees 42405  
understand the purpose of the form as stated thereon. 42406

~~(2) Not later than January 1, 2006, the director shall revise 42407  
the disclosure form to include a statement that information on the 42408  
operation and maintenance of the type of sewage treatment system 42409  
serving the property is available from the department of health or 42410  
the board of health of the health district in which the property 42411  
is located. 42412~~

~~As used in this section, "sewage treatment system" has the 42413  
same meaning as in section 3718.01 of the Revised Code. 42414~~

(E)(1) Each disclosure of an item of information that is 42415

required to be made in the property disclosure form prescribed 42416  
under division (D) of this section in connection with particular 42417  
residential real property and each act that may be performed in 42418  
making any disclosure of an item of information shall be made or 42419  
performed in good faith. 42420

(2) If an item of information is unknown to the transferor of 42421  
residential real property at the time the item is required to be 42422  
disclosed in the property disclosure form and if the approximation 42423  
is not used for the purpose of circumventing or otherwise evading 42424  
divisions (C) and (D) of this section, the transferor may make a 42425  
good faith approximation of the item of information. 42426

(F)(1) A transferor of residential real property is not 42427  
liable in damages in a civil action for injury, death, or loss to 42428  
person or property that allegedly arises from any error in, 42429  
inaccuracy of, or omission of any item of information required to 42430  
be disclosed in the property disclosure form if the error, 42431  
inaccuracy, or omission was not within the transferor's actual 42432  
knowledge. 42433

(2) If any item of information that is disclosed in the 42434  
property disclosure form is rendered inaccurate after the delivery 42435  
of the form to the transferee of residential real property or the 42436  
transferee's agent as a result of any act, occurrence, or 42437  
agreement, the subsequent inaccuracy does not cause, and shall not 42438  
be construed as causing, the transferor of the residential real 42439  
property to be in noncompliance with the requirements of divisions 42440  
(C) and (D) of this section. 42441

(G) Any disclosure of an item of information in the property 42442  
disclosure form prescribed under division (D) of this section may 42443  
be amended in writing by the transferor of residential real 42444  
property at any time following the delivery of the form in 42445  
accordance with divisions (C) and (I) of this section. The 42446  
amendment shall be subject to this section. 42447

(H) Except as provided in division (B)(2) of this section, 42448  
every prospective transferee of residential real property who 42449  
receives in accordance with division (C) of this section a signed 42450  
and dated copy of a completed property disclosure form as 42451  
prescribed under division (D) of this section shall acknowledge 42452  
receipt of the form by doing both of the following: 42453

(1) Signing and dating a copy of the form; 42454

(2) Delivering a signed and dated copy of the form to the 42455  
transferor or the transferor's agent or subagent. 42456

(I) The transferor's delivery under division (C) of this 42457  
section of a property disclosure form as prescribed under division 42458  
(D) of this section and the prospective transferee's delivery 42459  
under division (H) of this section of an acknowledgment of receipt 42460  
of that form shall be made by personal delivery to the other party 42461  
or the other party's agent or subagent, by ordinary mail or 42462  
certified mail, return receipt requested, or by facsimile 42463  
transmission. For the purposes of the delivery requirements of 42464  
this section, the delivery of a property disclosure form to a 42465  
prospective co-transferee of residential real property or a 42466  
prospective co-transferee's agent shall be considered delivery to 42467  
the other prospective transferees unless otherwise provided by 42468  
contract. 42469

(J) The specification of items of information that must be 42470  
disclosed in the property disclosure form as prescribed under 42471  
division (D)~~(1)~~ of this section does not limit or abridge, and 42472  
shall not be construed as limiting or abridging, any obligation to 42473  
disclose an item of information that is created by any other 42474  
provision of the Revised Code or the common law of this state or 42475  
that may exist in order to preclude fraud, either by 42476  
misrepresentation, concealment, or nondisclosure in a transaction 42477  
involving the transfer of residential real property. The 42478  
disclosure requirements of this section do not bar, and shall not 42479

be construed as barring, the application of any legal or equitable 42480  
defense that a transferor of residential real property may assert 42481  
in a civil action commenced against the transferor by a 42482  
prospective or actual transferee of that property. 42483

(K)(1) Except as provided in division (K)(2) of this section, 42484  
but subject to divisions (J) and (L) of this section, a transfer 42485  
of residential real property that is subject to this section shall 42486  
not be invalidated because of the failure of the transferor to 42487  
provide to the transferee in accordance with division (C) of this 42488  
section a completed property disclosure form as prescribed under 42489  
division (D) of this section. 42490

(2) Subject to division (K)(3)(c) of this section, if a 42491  
transferee of residential real property that is subject to this 42492  
section receives a property disclosure form or an amendment of 42493  
that form as described in division (G) of this section after the 42494  
transferee has entered into a transfer agreement with respect to 42495  
the property, the transferee, after receipt of the form or 42496  
amendment, may rescind the transfer agreement in a written, 42497  
signed, and dated document that is delivered to the transferor or 42498  
the transferor's agent or subagent in accordance with divisions 42499  
(K)(3)(a) and (b) of this section, without incurring any legal 42500  
liability to the transferor because of the rescission, including, 42501  
but not limited to, a civil action for specific performance of the 42502  
transfer agreement. Upon the rescission of the transfer agreement, 42503  
the transferee is entitled to the return of, and the transferor 42504  
shall return, any deposits made by the transferee in connection 42505  
with the proposed transfer of the residential real property. 42506

(3)(a) Subject to division (K)(3)(b) of this section, a 42507  
rescission of a transfer agreement under division (K)(2) of this 42508  
section only may occur if the transferee's written, signed, and 42509  
dated document of rescission is delivered to the transferor or the 42510  
transferor's agent or subagent within three business days 42511

following the date on which the transferee or the transferee's agent receives the property disclosure form prescribed under division (D) of this section or the amendment of that form as described in division (G) of this section.

(b) A transferee may not rescind a transfer agreement under division (K)(2) of this section unless the transferee rescinds the transfer agreement by the earlier of the date that is thirty days after the date upon which the transferor accepted the transferee's transfer offer or the date of the closing of the transfer of the residential real property.

(c) A transferee of residential real property may waive the right of rescission of a transfer agreement described in division (K)(2) of this section.

(d) A rescission of a transfer agreement is not permissible under division (K)(2) of this section if a transferee of residential real property that is subject to this section receives a property disclosure form as prescribed under division (D) of this section or an amendment of that form as described in division (G) of this section prior to the transferee's submission to the transferor or the transferor's agent or subagent of a transfer offer and the transferee's entry into a transfer agreement with respect to the property.

(4) If a transferee of residential real property subject to this section does not receive a property disclosure form from the transferor after the transferee has submitted to the transferor or the transferor's agent or subagent a transfer offer and has entered into a transfer agreement with respect to the property, the transferee may rescind the transfer agreement in a written, signed, and dated document that is delivered to the transferor or the transferor's agent or subagent in accordance with division (K)(4) of this section without incurring any legal liability to the transferor because of the rescission, including, but not

limited to, a civil action for specific performance of the 42544  
transfer agreement. Upon the rescission of the transfer agreement, 42545  
the transferee is entitled to the return of, and the transferor 42546  
shall return, any deposits made by the transferee in connection 42547  
with the proposed transfer of the residential real property. A 42548  
transferee may not rescind a transfer agreement under division 42549  
(K)(4) of this section unless the transferee rescinds the transfer 42550  
agreement by the earlier of the date that is thirty days after the 42551  
date upon which the transferor accepted the transferee's transfer 42552  
offer or the date of the closing of the transfer of the 42553  
residential real property. 42554

(L) The right of rescission of a transfer agreement described 42555  
in division (K)(2) of this section or the absence of that right 42556  
does not affect, and shall not be construed as affecting, any 42557  
other legal causes of action or other remedies that a transferee 42558  
or prospective transferee of residential real property may possess 42559  
against the transferor of that property. 42560

Sec. 5323.011. Sections 5323.01, 5323.02, 5323.03, 5323.04, 42561  
and 5323.99 of the Revised Code do not apply in a county unless 42562  
the board of county commissioners adopts a resolution declaring 42563  
that the sections apply in the county. The board may not adopt 42564  
such a resolution unless it has found that the benefit from 42565  
compliance with the sections will exceed the cost to the county 42566  
and its people and to persons traveling, working, or doing 42567  
business in the county. The board may not declare that fewer than 42568  
all the sections apply in the county. 42569

The board of county commissioners may repeal a resolution 42570  
that has been adopted under the first paragraph of this section. 42571  
The board may not adopt such a resolution unless it has found that 42572  
the cost of continued compliance with the sections exceeds the 42573  
benefit to the county and its people and to persons traveling, 42574

working, or doing business in the county. Upon the repeal, the 42575  
duties of an owner of residential rental property to comply with 42576  
and of the county auditor to accept compliance with sections 42577  
5323.01, 5323.02, 5323.03, 5323.04, and 5323.99 of the Revised 42578  
Code are tolled. 42579

An owner of residential rental property in a county is not 42580  
required to comply with, and the auditor of a county is not 42581  
required to accept compliance with, sections 5323.01, 5323.02, 42582  
5323.03, 5323.04, and 5323.99 of the Revised Code unless the board 42583  
of county commissioners has adopted a resolution declaring that 42584  
the sections apply in the county and the resolution continues in 42585  
effect. 42586

**Sec. 5528.54.** (A) The commissioners of the sinking fund are 42587  
authorized to issue and sell, as provided in this section and in 42588  
amounts from time to time authorized by the general assembly, 42589  
general obligations of this state for the purpose of financing or 42590  
assisting in the financing of the costs of projects. The full 42591  
faith and credit, revenues, and taxing power of the state are and 42592  
shall be pledged to the timely payment of bond service charges on 42593  
outstanding obligations, all in accordance with Section 2m of 42594  
Article VIII, Ohio Constitution, and sections 5528.51 to 5528.53 42595  
of the Revised Code, and so long as such obligations are 42596  
outstanding there shall be levied and collected excises, taxes, 42597  
and other revenues in amounts sufficient to pay the bond service 42598  
charges on such obligations and costs relating to credit 42599  
enhancement facilities. 42600

(B) Not more than two hundred twenty million dollars 42601  
principal amount of obligations, plus the principal amount of 42602  
obligations that in any prior fiscal years could have been, but 42603  
were not issued within that two-hundred-twenty-million-dollar 42604  
fiscal year limit, may be issued in any fiscal year, and not more 42605

~~that~~ than one billion two hundred million dollars principal amount 42606  
of obligations may be outstanding at any one time, all determined 42607  
as provided in sections 5528.51 to 5528.53 of the Revised Code. 42608

(C) The state may participate in financing projects by 42609  
grants, loans, or contributions to local government entities. 42610

(D) Each issue of obligations shall be authorized by 42611  
resolution of the commissioners. The bond proceedings shall 42612  
provide for the principal amount or maximum principal amount of 42613  
obligations of an issue, and shall provide for or authorize the 42614  
manner for determining the principal maturity or maturities, not 42615  
exceeding the earlier of thirty years from the date of issuance of 42616  
the particular obligations or thirty years from the date the debt 42617  
represented by the particular obligations was originally 42618  
contracted, the interest rate or rates, the date of and the dates 42619  
of payment of interest on the obligations, their denominations, 42620  
and the establishment within or outside the state of a place or 42621  
places of payment of bond service charges. Sections 9.96, 9.98, 42622  
9.981, 9.982, and 9.983 of the Revised Code are applicable to the 42623  
obligations. The purpose of the obligations may be stated in the 42624  
bond proceedings as "financing or assisting in the financing of 42625  
highway capital improvement projects as provided in Section 2m of 42626  
Article VIII, Ohio Constitution." 42627

(E) The proceeds of the obligations, except for any portion 42628  
to be deposited into special funds, or into escrow funds for the 42629  
purpose of refunding outstanding obligations, all as may be 42630  
provided in the bond proceedings, shall be deposited into the 42631  
highway capital improvement fund established by section 5528.53 of 42632  
the Revised Code. 42633

(F) The commissioners may appoint or provide for the 42634  
appointment of paying agents, bond registrars, securities 42635  
depositories, and transfer agents, and may retain the services of 42636  
financial advisers and accounting experts, and retain or contract 42637

for the services of marketing, remarketing, indexing, and 42638  
administrative agents, other consultants, and independent 42639  
contractors, including printing services, as are necessary in the 42640  
judgment of the commissioners to carry out sections 5528.51 to 42641  
5528.53 of the Revised Code. Financing costs are payable, as 42642  
provided in the bond proceedings, from the proceeds of the 42643  
obligations, from special funds, or from other moneys available 42644  
for the purpose. 42645

(G) The bond proceedings, including any trust agreement, may 42646  
contain additional provisions customary or appropriate to the 42647  
financing or to the obligations or to particular obligations 42648  
including, but not limited to: 42649

(1) The redemption of obligations prior to maturity at the 42650  
option of the state or of the holder or upon the occurrence of 42651  
certain conditions at such price or prices and under such terms 42652  
and conditions as are provided in the bond proceedings; 42653

(2) The form of and other terms of the obligations; 42654

(3) The establishment, deposit, investment, and application 42655  
of special funds, and the safeguarding of moneys on hand or on 42656  
deposit, in lieu of otherwise applicable provisions of Chapter 42657  
131. or 135. of the Revised Code, but subject to any special 42658  
provisions of this section with respect to particular funds or 42659  
moneys, and provided that any bank or trust company that acts as a 42660  
depository of any moneys in special funds may furnish such 42661  
indemnifying bonds or may pledge such securities as required by 42662  
the commissioners; 42663

(4) Any or every provision of the bond proceedings binding 42664  
upon the commissioners and such state agency or local government 42665  
entities, officer, board, commission, authority, agency, 42666  
department, or other person or body as may from time to time have 42667  
the authority under law to take such actions as may be necessary 42668

to perform all or any part of the duty required by such provision;	42669
(5) The maintenance of each pledge, any trust agreement, or	42670
other instrument composing part of the bond proceedings until the	42671
state has fully paid or provided for the payment of the bond	42672
service charges on the obligations or met other stated conditions;	42673
(6) In the event of default in any payments required to be	42674
made by the bond proceedings, or any other agreement of the	42675
commissioners made as part of a contract under which the	42676
obligations were issued or secured, the enforcement of such	42677
payments or agreements by mandamus, suit in equity, action at law,	42678
or any combination of the foregoing;	42679
(7) The rights and remedies of the holders of obligations and	42680
of the trustee under any trust agreement, and provisions for	42681
protecting and enforcing them, including limitations on rights of	42682
individual holders of obligations;	42683
(8) The replacement of any obligations that become mutilated	42684
or are destroyed, lost, or stolen;	42685
(9) Provision for the funding, refunding, or advance	42686
refunding or other provision for payment of obligations that will	42687
then no longer be outstanding for purposes of sections 5528.51 to	42688
5528.56 of the Revised Code or of the bond proceedings;	42689
(10) Any provision that may be made in bond proceedings or a	42690
trust agreement, including provision for amendment of the bond	42691
proceedings;	42692
(11) Any other or additional agreements with the holders of	42693
the obligations relating to any of the foregoing;	42694
(12) Such other provisions as the commissioners determine,	42695
including limitations, conditions, or qualifications relating to	42696
any of the foregoing.	42697
(H) The great seal of the state or a facsimile of that seal	42698

may be affixed to or printed on the obligations. The obligations 42699  
requiring signatures by the commissioners shall be signed by or 42700  
bear the facsimile signatures of two or more of the commissioners 42701  
as provided in the bond proceedings. Any obligations may be signed 42702  
by the person who, on the date of execution, is the authorized 42703  
signer although on the date of such obligations such person was 42704  
not a commissioner. In case the individual whose signature or a 42705  
facsimile of whose signature appears on any obligation ceases to 42706  
be a commissioner before delivery of the obligation, such 42707  
signature or facsimile is nevertheless valid and sufficient for 42708  
all purposes as if that individual had remained the member until 42709  
such delivery, and in case the seal to be affixed to or printed on 42710  
obligations has been changed after the seal has been affixed to or 42711  
a facsimile of the seal has been printed on the obligations, that 42712  
seal or facsimile seal shall continue to be sufficient as to those 42713  
obligations and obligations issued in substitution or exchange 42714  
therefor. 42715

(I) The obligations are negotiable instruments and securities 42716  
under Chapter 1308. of the Revised Code, subject to the provisions 42717  
of the bond proceedings as to registration. Obligations may be 42718  
issued in coupon or in fully registered form, or both, as the 42719  
commissioners determine. Provision may be made for the 42720  
registration of any obligations with coupons attached as to 42721  
principal alone or as to both principal and interest, their 42722  
exchange for obligations so registered, and for the conversion or 42723  
reconversion into obligations with coupons attached of any 42724  
obligations registered as to both principal and interest, and for 42725  
reasonable charges for such registration, exchange, conversion, 42726  
and reconversion. Pending preparation of definitive obligations, 42727  
the commissioners may issue interim receipts or certificates which 42728  
shall be exchanged for such definitive obligations. 42729

(J) Obligations may be sold at public sale or at private 42730

sale, and at such price at, above, or below par, as determined by 42731  
the commissioners in the bond proceedings. 42732

(K) In the discretion of the commissioners, obligations may 42733  
be secured additionally by a trust agreement between the state and 42734  
a corporate trustee which may be any trust company or bank having 42735  
~~its principal~~ a place of business within the state. Any trust 42736  
agreement may contain the resolution authorizing the issuance of 42737  
the obligations, any provisions that may be contained in the bond 42738  
proceedings, and other provisions that are customary or 42739  
appropriate in an agreement of the type. 42740

(L) Except to the extent that their rights are restricted by 42741  
the bond proceedings, any holder of obligations, or a trustee 42742  
under the bond proceedings may by any suitable form of legal 42743  
proceedings protect and enforce any rights under the laws of this 42744  
state or granted by the bond proceedings. Such rights include the 42745  
right to compel the performance of all duties of the commissioners 42746  
and the state. Each duty of the commissioners and its employees, 42747  
and of each state agency and local government entity and its 42748  
officers, members, or employees, undertaken pursuant to the bond 42749  
proceedings, is hereby established as a duty of the commissioners, 42750  
and of each such agency, local government entity, officer, member, 42751  
or employee having authority to perform such duty, specifically 42752  
enjoined by the law and resulting from an office, trust, or 42753  
station within the meaning of section 2731.01 of the Revised Code. 42754  
The persons who are at the time the commissioners of the sinking 42755  
fund, or its employees, are not liable in their personal 42756  
capacities on any obligations or any agreements of or with the 42757  
commissioners relating to obligations or under the bond 42758  
proceedings. 42759

(M) Obligations are lawful investments for banks, societies 42760  
for savings, savings and loan associations, deposit guarantee 42761  
associations, trust companies, trustees, fiduciaries, insurance 42762

companies, including domestic for life and domestic not for life, 42763  
trustees or other officers having charge of sinking and bond 42764  
retirement or other special funds of political subdivisions and 42765  
taxing districts of this state, the commissioners of the sinking 42766  
fund, the administrator of workers' compensation, subject to the 42767  
approval of the workers' compensation board and the industrial 42768  
commission, the state teachers retirement system, the public 42769  
employees retirement system, the school employees retirement 42770  
system, and the Ohio police and fire pension fund, notwithstanding 42771  
any other provisions of the Revised Code or rules adopted pursuant 42772  
thereto by any state agency with respect to investments by them, 42773  
and are also acceptable as security for the deposit of public 42774  
moneys. 42775

(N) Unless otherwise provided in any applicable bond 42776  
proceedings, moneys to the credit of or in the special funds 42777  
established by or pursuant to this section may be invested by or 42778  
on behalf of the commissioners only in notes, bonds, or other 42779  
direct obligations of the United States or of any agency or 42780  
instrumentality thereof, in obligations of this state or any 42781  
political subdivision of this state, in certificates of deposit of 42782  
any national bank located in this state and any bank, as defined 42783  
in section 1101.01 of the Revised Code, subject to inspection by 42784  
the superintendent of financial institutions, in the Ohio 42785  
subdivision's fund established pursuant to section 135.45 of the 42786  
Revised Code, in no-front-end-load money market mutual funds 42787  
consisting exclusively of direct obligations of the United States 42788  
or of an agency or instrumentality thereof, and in repurchase 42789  
agreements, including those issued by any fiduciary, secured by 42790  
direct obligations of the United States or an agency or 42791  
instrumentality thereof, and in common trust funds established in 42792  
accordance with section 1109.20 of the Revised Code and consisting 42793  
exclusively of direct obligations of the United States or of an 42794  
agency or instrumentality thereof, notwithstanding division (A)(4) 42795

of that section. The income from investments shall be credited to 42796  
such special funds or otherwise as the commissioners determine in 42797  
the bond proceedings, and the investments may be sold or exchanged 42798  
at such times as the commissioners determine or authorize. 42799

(O) Unless otherwise provided in any applicable bond 42800  
proceedings, moneys to the credit of or in a special fund shall be 42801  
disbursed on the order of the commissioners, provided that no such 42802  
order is required for the payment from the bond service fund or 42803  
other special fund when due of bond service charges or required 42804  
payments under credit enhancement facilities. 42805

(P) The commissioners may covenant in the bond proceedings, 42806  
and any such covenants shall be controlling notwithstanding any 42807  
other provision of law, that the state and the applicable officers 42808  
and agencies of the state, including the general assembly, shall, 42809  
so long as any obligations are outstanding in accordance with 42810  
their terms, maintain statutory authority for and cause to be 42811  
charged and collected taxes, excises, and other receipts of the 42812  
state so that the receipts to the bond service fund shall be 42813  
sufficient in amounts to meet bond service charges and for the 42814  
establishment and maintenance of any reserves and other 42815  
requirements, including payment of financing costs, provided for 42816  
in the bond proceedings. 42817

(Q) The obligations, and the transfer of, and the interest, 42818  
interest equivalent, and other income and accreted amounts from, 42819  
including any profit made on the sale, exchange, or other 42820  
disposition of, the obligations shall at all times be free from 42821  
taxation, direct or indirect, within the state. 42822

(R) This section applies only with respect to obligations 42823  
issued and delivered prior to September 30, 2000. 42824

**Sec. 5531.10.** (A) As used in this chapter: 42825

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, lease-purchase agreements, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations.

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(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations.

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(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the state infrastructure bank revenue bond service fund created by division (R) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto.

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(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of the treasurer of state.

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(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.

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(6) "Pledged receipts" means moneys accruing to the state from the lease, lease-purchase, sale, or other disposition, or use, of qualified projects, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the investment of the special funds; any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges; and any amounts

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in the state infrastructure bank pledged to the payment of such 42857  
charges. If the amounts in the state infrastructure bank are 42858  
insufficient for the payment of such charges, "pledged receipts" 42859  
also means moneys that are apportioned by the United States 42860  
secretary of transportation under United States Code, Title XXIII, 42861  
as amended, or any successor legislation, or under any other 42862  
federal law relating to aid for highways, and that are to be 42863  
received as a grant by the state, to the extent the state is not 42864  
prohibited by state or federal law from using such moneys and the 42865  
moneys are pledged to the payment of such bond service charges. 42866

(7) "Special funds" or "funds" means, except where the 42867  
context does not permit, the bond service fund, and any other 42868  
funds, including reserve funds, created under the bond 42869  
proceedings, and the state infrastructure bank revenue bond 42870  
service fund created by division (R) of this section to the extent 42871  
provided in the bond proceedings, including all moneys and 42872  
investments, and earnings from investment, credited and to be 42873  
credited thereto. 42874

(8) "State infrastructure project" means any public 42875  
transportation project undertaken by the state, including, but not 42876  
limited to, all components of any such project, as described in 42877  
division (D) of section 5531.09 of the Revised Code. 42878

(9) "District obligations" means bonds, notes, or other 42879  
evidence of obligation including interest coupons pertaining 42880  
thereto, issued to finance a qualified project by a transportation 42881  
improvement district created pursuant to section 5540.02 of the 42882  
Revised Code, of which the principal, including mandatory sinking 42883  
fund requirements for retirement of such obligations, and interest 42884  
and redemption premium, if any, are payable by the department of 42885  
transportation. 42886

(B) The issuing authority, after giving written notice to the 42887  
director of budget and management and upon the certification by 42888

the director of transportation to the issuing authority of the 42889  
amount of moneys or additional moneys needed either for state 42890  
infrastructure projects or to provide financial assistance for any 42891  
of the purposes for which the state infrastructure bank may be 42892  
used under section 5531.09 of the Revised Code, or needed for 42893  
capitalized interest, funding reserves, and paying costs and 42894  
expenses incurred in connection with the issuance, carrying, 42895  
securing, paying, redeeming, or retirement of the obligations or 42896  
any obligations refunded thereby, including payment of costs and 42897  
expenses relating to letters of credit, lines of credit, 42898  
insurance, put agreements, standby purchase agreements, indexing, 42899  
marketing, remarketing and administrative arrangements, interest 42900  
swap or hedging agreements, and any other credit enhancement, 42901  
liquidity, remarketing, renewal, or refunding arrangements, all of 42902  
which are authorized by this section, shall issue obligations of 42903  
the state under this section in the required amount. The proceeds 42904  
of such obligations, except for the portion to be deposited in 42905  
special funds, including reserve funds, as may be provided in the 42906  
bond proceedings, shall as provided in the bond proceedings be 42907  
credited to the infrastructure bank obligations fund of the state 42908  
infrastructure bank created by section 5531.09 of the Revised Code 42909  
and disbursed as provided in the bond proceedings for such 42910  
obligations. The issuing authority may appoint trustees, paying 42911  
agents, transfer agents, and authenticating agents, and may retain 42912  
the services of financial advisors, accounting experts, and 42913  
attorneys, and retain or contract for the services of marketing, 42914  
remarketing, indexing, and administrative agents, other 42915  
consultants, and independent contractors, including printing 42916  
services, as are necessary in the issuing authority's judgment to 42917  
carry out this section. The costs of such services are payable 42918  
from funds of the state infrastructure bank. 42919

(C) The holders or owners of such obligations shall have no 42920  
right to have moneys raised by taxation by the state of Ohio 42921

obligated or pledged, and moneys so raised shall not be obligated 42922  
or pledged, for the payment of bond service charges. The right of 42923  
such holders and owners to the payment of bond service charges is 42924  
limited to all or that portion of the pledged receipts and those 42925  
special funds pledged thereto pursuant to the bond proceedings for 42926  
such obligations in accordance with this section, and each such 42927  
obligation shall bear on its face a statement to that effect. 42928  
Moneys received as repayment of loans made by the state 42929  
infrastructure bank pursuant to section 5531.09 of the Revised 42930  
Code shall not be considered moneys raised by taxation by the 42931  
state of Ohio regardless of the source of the moneys. 42932

(D) Obligations shall be authorized by order of the issuing 42933  
authority and the bond proceedings shall provide for the purpose 42934  
thereof and the principal amount or amounts, and shall provide for 42935  
or authorize the manner or agency for determining the principal 42936  
maturity or maturities, not exceeding twenty-five years from the 42937  
date of issuance, the interest rate or rates or the maximum 42938  
interest rate, the date of the obligations and the dates of 42939  
payment of interest thereon, their denomination, and the 42940  
establishment within or without the state of a place or places of 42941  
payment of bond service charges. Sections 9.98 to 9.983 of the 42942  
Revised Code are applicable to obligations issued under this 42943  
section. The purpose of such obligations may be stated in the bond 42944  
proceedings in terms describing the general purpose or purposes to 42945  
be served. The bond proceedings also shall provide, subject to the 42946  
provisions of any other applicable bond proceedings, for the 42947  
pledge of all, or such part as the issuing authority may 42948  
determine, of the pledged receipts and the applicable special fund 42949  
or funds to the payment of bond service charges, which pledges may 42950  
be made either prior or subordinate to other expenses, claims, or 42951  
payments, and may be made to secure the obligations on a parity 42952  
with obligations theretofore or thereafter issued, if and to the 42953  
extent provided in the bond proceedings. The pledged receipts and 42954

special funds so pledged and thereafter received by the state 42955  
immediately are subject to the lien of such pledge without any 42956  
physical delivery thereof or further act, and the lien of any such 42957  
pledges is valid and binding against all parties having claims of 42958  
any kind against the state or any governmental agency of the 42959  
state, irrespective of whether such parties have notice thereof, 42960  
and shall create a perfected security interest for all purposes of 42961  
Chapter 1309. of the Revised Code, without the necessity for 42962  
separation or delivery of funds or for the filing or recording of 42963  
the bond proceedings by which such pledge is created or any 42964  
certificate, statement, or other document with respect thereto; 42965  
and the pledge of such pledged receipts and special funds is 42966  
effective and the money therefrom and thereof may be applied to 42967  
the purposes for which pledged without necessity for any act of 42968  
appropriation. Every pledge, and every covenant and agreement made 42969  
with respect thereto, made in the bond proceedings may therein be 42970  
extended to the benefit of the owners and holders of obligations 42971  
authorized by this section, and to any trustee therefor, for the 42972  
further security of the payment of the bond service charges. 42973

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(E) The bond proceedings may contain additional provisions as 42975  
to: 42976

(1) The redemption of obligations prior to maturity at the 42977  
option of the issuing authority at such price or prices and under 42978  
such terms and conditions as are provided in the bond proceedings; 42979

(2) Other terms of the obligations; 42980

(3) Limitations on the issuance of additional obligations; 42981

(4) The terms of any trust agreement or indenture securing 42982  
the obligations or under which the same may be issued; 42983

(5) The deposit, investment, and application of special 42984  
funds, and the safeguarding of moneys on hand or on deposit, 42985

without regard to Chapter 131. or 135. of the Revised Code, but 42986  
subject to any special provisions of this section with respect to 42987  
particular funds or moneys, provided that any bank or trust 42988  
company which acts as depository of any moneys in the special 42989  
funds may furnish such indemnifying bonds or may pledge such 42990  
securities as required by the issuing authority; 42991

(6) Any or every provision of the bond proceedings being 42992  
binding upon such officer, board, commission, authority, agency, 42993  
department, or other person or body as may from time to time have 42994  
the authority under law to take such actions as may be necessary 42995  
to perform all or any part of the duty required by such provision; 42996

(7) Any provision that may be made in a trust agreement or 42997  
indenture; 42998

(8) Any other or additional agreements with the holders of 42999  
the obligations, or the trustee therefor, relating to the 43000  
obligations or the security therefor, including the assignment of 43001  
mortgages or other security relating to financial assistance for 43002  
qualified projects under section 5531.09 of the Revised Code. 43003

(F) The obligations may have the great seal of the state or a 43004  
facsimile thereof affixed thereto or printed thereon. The 43005  
obligations and any coupons pertaining to obligations shall be 43006  
signed or bear the facsimile signature of the issuing authority. 43007  
Any obligations or coupons may be executed by the person who, on 43008  
the date of execution, is the proper issuing authority although on 43009  
the date of such bonds or coupons such person was not the issuing 43010  
authority. In case the issuing authority whose signature or a 43011  
facsimile of whose signature appears on any such obligation or 43012  
coupon ceases to be the issuing authority before delivery thereof, 43013  
such signature or facsimile nevertheless is valid and sufficient 43014  
for all purposes as if the former issuing authority had remained 43015  
the issuing authority until such delivery; and in case the seal to 43016  
be affixed to obligations has been changed after a facsimile of 43017

the seal has been imprinted on such obligations, such facsimile 43018  
seal shall continue to be sufficient as to such obligations and 43019  
obligations issued in substitution or exchange therefor. 43020

(G) All obligations are negotiable instruments and securities 43021  
under Chapter 1308. of the Revised Code, subject to the provisions 43022  
of the bond proceedings as to registration. The obligations may be 43023  
issued in coupon or in registered form, or both, as the issuing 43024  
authority determines. Provision may be made for the registration 43025  
of any obligations with coupons attached thereto as to principal 43026  
alone or as to both principal and interest, their exchange for 43027  
obligations so registered, and for the conversion or reconversion 43028  
into obligations with coupons attached thereto of any obligations 43029  
registered as to both principal and interest, and for reasonable 43030  
charges for such registration, exchange, conversion, and 43031  
reconversion. 43032

(H) Obligations may be sold at public sale or at private 43033  
sale, as determined in the bond proceedings. 43034

(I) Pending preparation of definitive obligations, the 43035  
issuing authority may issue interim receipts or certificates which 43036  
shall be exchanged for such definitive obligations. 43037

(J) In the discretion of the issuing authority, obligations 43038  
may be secured additionally by a trust agreement or indenture 43039  
between the issuing authority and a corporate trustee which may be 43040  
any trust company or bank having ~~its principal~~ a place of business 43041  
within the state. Any such agreement or indenture may contain the 43042  
order authorizing the issuance of the obligations, any provisions 43043  
that may be contained in any bond proceedings, and other 43044  
provisions which are customary or appropriate in an agreement or 43045  
indenture of such type, including, but not limited to: 43046

(1) Maintenance of each pledge, trust agreement, indenture, 43047  
or other instrument comprising part of the bond proceedings until 43048

the state has fully paid the bond service charges on the 43049  
obligations secured thereby, or provision therefor has been made; 43050

(2) In the event of default in any payments required to be 43051  
made by the bond proceedings, or any other agreement of the 43052  
issuing authority made as a part of the contract under which the 43053  
obligations were issued, enforcement of such payments or agreement 43054  
by mandamus, the appointment of a receiver, suit in equity, action 43055  
at law, or any combination of the foregoing; 43056

(3) The rights and remedies of the holders of obligations and 43057  
of the trustee, and provisions for protecting and enforcing them, 43058  
including limitations on the rights of individual holders of 43059  
obligations; 43060

(4) The replacement of any obligations that become mutilated 43061  
or are destroyed, lost, or stolen; 43062

(5) Such other provisions as the trustee and the issuing 43063  
authority agree upon, including limitations, conditions, or 43064  
qualifications relating to any of the foregoing. 43065

(K) Any holder of obligations or a trustee under the bond 43066  
proceedings, except to the extent that the holder's or trustee's 43067  
rights are restricted by the bond proceedings, may by any suitable 43068  
form of legal proceedings, protect and enforce any rights under 43069  
the laws of this state or granted by such bond proceedings. Such 43070  
rights include the right to compel the performance of all duties 43071  
of the issuing authority and the director of transportation 43072  
required by the bond proceedings or sections 5531.09 and 5531.10 43073  
of the Revised Code; to enjoin unlawful activities; and in the 43074  
event of default with respect to the payment of any bond service 43075  
charges on any obligations or in the performance of any covenant 43076  
or agreement on the part of the issuing authority or the director 43077  
of transportation in the bond proceedings, to apply to a court 43078  
having jurisdiction of the cause to appoint a receiver to receive 43079

and administer the pledged receipts and special funds, other than 43080  
those in the custody of the treasurer of state, which are pledged 43081  
to the payment of the bond service charges on such obligations or 43082  
which are the subject of the covenant or agreement, with full 43083  
power to pay, and to provide for payment of bond service charges 43084  
on, such obligations, and with such powers, subject to the 43085  
direction of the court, as are accorded receivers in general 43086  
equity cases, excluding any power to pledge additional revenues or 43087  
receipts or other income or moneys of the state or local 43088  
governmental entities, or agencies thereof, to the payment of such 43089  
principal and interest and excluding the power to take possession 43090  
of, mortgage, or cause the sale or otherwise dispose of any 43091  
project facilities. 43092

Each duty of the issuing authority and the issuing 43093  
authority's officers and employees, and of each state or local 43094  
governmental agency and its officers, members, or employees, 43095  
undertaken pursuant to the bond proceedings or any loan, loan 43096  
guarantee, lease, lease-purchase agreement, or other agreement 43097  
made under authority of section 5531.09 of the Revised Code, and 43098  
in every agreement by or with the issuing authority, is hereby 43099  
established as a duty of the issuing authority, and of each such 43100  
officer, member, or employee having authority to perform such 43101  
duty, specifically enjoined by the law resulting from an office, 43102  
trust, or station within the meaning of section 2731.01 of the 43103  
Revised Code. 43104

The person who is at the time the issuing authority, or the 43105  
issuing authority's officers or employees, are not liable in their 43106  
personal capacities on any obligations issued by the issuing 43107  
authority or any agreements of or with the issuing authority. 43108

(L) The issuing authority may authorize and issue obligations 43109  
for the refunding, including funding and retirement, and advance 43110  
refunding with or without payment or redemption prior to maturity, 43111

of any obligations previously issued by the issuing authority or 43112  
district obligations. Such refunding obligations may be issued in 43113  
amounts sufficient for payment of the principal amount of the 43114  
prior obligations or district obligations, any redemption premiums 43115  
thereon, principal maturities of any such obligations or district 43116  
obligations maturing prior to the redemption of the remaining 43117  
obligations or district obligations on a parity therewith, 43118  
interest accrued or to accrue to the maturity dates or dates of 43119  
redemption of such obligations or district obligations, and any 43120  
expenses incurred or to be incurred in connection with such 43121  
issuance and such refunding, funding, and retirement. Subject to 43122  
the bond proceedings therefor, the portion of proceeds of the sale 43123  
of refunding obligations issued under this division to be applied 43124  
to bond service charges on the prior obligations or district 43125  
obligations shall be credited to an appropriate account held by 43126  
the trustee for such prior or new obligations or to the 43127  
appropriate account in the bond service fund for such obligations 43128  
or district obligations. Obligations authorized under this 43129  
division shall be deemed to be issued for those purposes for which 43130  
such prior obligations or district obligations were issued and are 43131  
subject to the provisions of this section pertaining to other 43132  
obligations, except as otherwise provided in this section. The 43133  
last maturity of obligations authorized under this division shall 43134  
not be later than twenty-five years from the date of issuance of 43135  
the original securities issued for the original purpose. 43136

(M) The authority to issue obligations under this section 43137  
includes authority to issue obligations in the form of bond 43138  
anticipation notes and to renew the same from time to time by the 43139  
issuance of new notes. The holders of such notes or interest 43140  
coupons pertaining thereto shall have a right to be paid solely 43141  
from the pledged receipts and special funds that may be pledged to 43142  
the payment of the bonds anticipated, or from the proceeds of such 43143  
bonds or renewal notes, or both, as the issuing authority provides 43144

in the order authorizing such notes. Such notes may be 43145  
additionally secured by covenants of the issuing authority to the 43146  
effect that the issuing authority and the state will do such or 43147  
all things necessary for the issuance of such bonds or renewal 43148  
notes in the appropriate amount, and apply the proceeds thereof to 43149  
the extent necessary, to make full payment of the principal of and 43150  
interest on such notes at the time or times contemplated, as 43151  
provided in such order. For such purpose, the issuing authority 43152  
may issue bonds or renewal notes in such principal amount and upon 43153  
such terms as may be necessary to provide funds to pay when 43154  
required the principal of and interest on such notes, 43155  
notwithstanding any limitations prescribed by or for purposes of 43156  
this section. Subject to this division, all provisions for and 43157  
references to obligations in this section are applicable to notes 43158  
authorized under this division. 43159

The issuing authority in the bond proceedings authorizing the 43160  
issuance of bond anticipation notes shall set forth for such bonds 43161  
an estimated interest rate and a schedule of principal payments 43162  
for such bonds and the annual maturity dates thereof. 43163

(N) Obligations issued under this section are lawful 43164  
investments for banks, societies for savings, savings and loan 43165  
associations, deposit guarantee associations, trust companies, 43166  
trustees, fiduciaries, insurance companies, including domestic for 43167  
life and domestic not for life, trustees or other officers having 43168  
charge of sinking and bond retirement or other special funds of 43169  
political subdivisions and taxing districts of this state, the 43170  
commissioners of the sinking fund of the state, the administrator 43171  
of workers' compensation, the state teachers retirement system, 43172  
the public employees retirement system, the school employees 43173  
retirement system, and the Ohio police and fire pension fund, 43174  
notwithstanding any other provisions of the Revised Code or rules 43175  
adopted pursuant thereto by any agency of the state with respect 43176

to investments by them, and are also acceptable as security for 43177  
the deposit of public moneys. 43178

(O) Unless otherwise provided in any applicable bond 43179  
proceedings, moneys to the credit of or in the special funds 43180  
established by or pursuant to this section may be invested by or 43181  
on behalf of the issuing authority only in notes, bonds, or other 43182  
obligations of the United States, or of any agency or 43183  
instrumentality of the United States, obligations guaranteed as to 43184  
principal and interest by the United States, obligations of this 43185  
state or any political subdivision of this state, and certificates 43186  
of deposit of any national bank located in this state and any 43187  
bank, as defined in section 1101.01 of the Revised Code, subject 43188  
to inspection by the superintendent of financial institutions. If 43189  
the law or the instrument creating a trust pursuant to division 43190  
(J) of this section expressly permits investment in direct 43191  
obligations of the United States or an agency of the United 43192  
States, unless expressly prohibited by the instrument, such moneys 43193  
also may be invested in no-front-end-load money market mutual 43194  
funds consisting exclusively of obligations of the United States 43195  
or an agency of the United States and in repurchase agreements, 43196  
including those issued by the fiduciary itself, secured by 43197  
obligations of the United States or an agency of the United 43198  
States; and in collective investment funds as defined in division 43199  
(A) of section 1111.01 of the Revised Code and consisting 43200  
exclusively of any such securities. The income from such 43201  
investments shall be credited to such funds as the issuing 43202  
authority determines, and such investments may be sold at such 43203  
times as the issuing authority determines or authorizes. 43204

(P) Provision may be made in the applicable bond proceedings 43205  
for the establishment of separate accounts in the bond service 43206  
fund and for the application of such accounts only to the 43207  
specified bond service charges on obligations pertinent to such 43208

accounts and bond service fund and for other accounts therein 43209  
within the general purposes of such fund. Unless otherwise 43210  
provided in any applicable bond proceedings, moneys to the credit 43211  
of or in the several special funds established pursuant to this 43212  
section shall be disbursed on the order of the treasurer of state, 43213  
provided that no such order is required for the payment from the 43214  
bond service fund when due of bond service charges on obligations. 43215

(Q)(1) The issuing authority may pledge all, or such portion 43216  
as the issuing authority determines, of the pledged receipts to 43217  
the payment of bond service charges on obligations issued under 43218  
this section, and for the establishment and maintenance of any 43219  
reserves, as provided in the bond proceedings, and make other 43220  
provisions therein with respect to pledged receipts as authorized 43221  
by this chapter, which provisions are controlling notwithstanding 43222  
any other provisions of law pertaining thereto. 43223

(2) An action taken under division (Q)(2) of this section 43224  
does not limit the generality of division (Q)(1) of this section, 43225  
and is subject to division (C) of this section and, if and to the 43226  
extent otherwise applicable, Section 13 of Article VIII, Ohio 43227  
Constitution. The bond proceedings may contain a covenant that, in 43228  
the event the pledged receipts primarily pledged and required to 43229  
be used for the payment of bond service charges on obligations 43230  
issued under this section, and for the establishment and 43231  
maintenance of any reserves, as provided in the bond proceedings, 43232  
are insufficient to make any such payment in full when due, or to 43233  
maintain any such reserve, the director of transportation shall so 43234  
notify the governor, and shall determine to what extent, if any, 43235  
the payment may be made or moneys may be restored to the reserves 43236  
from lawfully available moneys previously appropriated for that 43237  
purpose to the department of transportation. The covenant also may 43238  
provide that if the payments are not made or the moneys are not 43239  
immediately and fully restored to the reserves from such moneys, 43240

the director shall promptly submit to the governor and to the 43241  
director of budget and management a written request for either or 43242  
both of the following: 43243

(a) That the next biennial budget submitted by the governor 43244  
to the general assembly include an amount to be appropriated from 43245  
lawfully available moneys to the department for the purpose of and 43246  
sufficient for the payment in full of bond service charges 43247  
previously due and for the full replenishment of the reserves; 43248

(b) That the general assembly be requested to increase 43249  
appropriations from lawfully available moneys for the department 43250  
in the current biennium sufficient for the purpose of and for the 43251  
payment in full of bond service charges previously due and to come 43252  
due in the biennium and for the full replenishment of the 43253  
reserves. 43254

The director of transportation shall include with such 43255  
requests a recommendation that the payment of the bond service 43256  
charges and the replenishment of the reserves be made in the 43257  
interest of maximizing the benefits of the state infrastructure 43258  
bank. Any such covenant shall not obligate or purport to obligate 43259  
the state to pay the bond service charges on such bonds or notes 43260  
or to deposit moneys in a reserve established for such payments 43261  
other than from moneys that may be lawfully available and 43262  
appropriated for that purpose during the then-current biennium. 43263

(R) There is hereby created the state infrastructure bank 43264  
revenue bond service fund, which shall be in the custody of the 43265  
treasurer of state but shall not be a part of the state treasury. 43266  
All moneys received by or on account of the issuing authority or 43267  
state agencies and required by the applicable bond proceedings, 43268  
consistent with this section, to be deposited, transferred, or 43269  
credited to the bond service fund, and all other moneys 43270  
transferred or allocated to or received for the purposes of the 43271  
fund, shall be deposited and credited to such fund and to any 43272

separate accounts therein, subject to applicable provisions of the 43273  
bond proceedings, but without necessity for any act of 43274  
appropriation. The state infrastructure bank revenue bond service 43275  
fund is a trust fund and is hereby pledged to the payment of bond 43276  
service charges to the extent provided in the applicable bond 43277  
proceedings, and payment thereof from such fund shall be made or 43278  
provided for by the treasurer of state in accordance with such 43279  
bond proceedings without necessity for any act of appropriation. 43280

(S) The obligations issued pursuant to this section, the 43281  
transfer thereof, and the income therefrom, including any profit 43282  
made on the sale thereof, shall at all times be free from taxation 43283  
within this state. 43284

Sec. 5533.91. That part of the road known as state route 43285  
number forty-four, located within Lake county and commencing at 43286  
the intersection of that state route and state route number two 43287  
and extending in a northerly direction and ending at headlands 43288  
beach state park, shall be known as the "LCpl Andy Nowacki 43289  
Memorial Highway." 43290

The director of transportation may erect suitable markers 43291  
along the highway indicating its name. 43292

**Sec. 5537.04.** (A) The Ohio turnpike commission may do any of 43293  
the following: 43294

(1) Adopt bylaws for the regulation of its affairs and the 43295  
conduct of its business; 43296

(2) Adopt an official seal, which shall not be the great seal 43297  
of the state and which need not be in compliance with section 5.10 43298  
of the Revised Code; 43299

(3) Maintain a principal office and suboffices at such places 43300  
within the state as it designates; 43301

(4) Sue and be sued in its own name, plead and be impleaded, 43302  
provided any actions against the commission shall be brought in 43303  
the court of common pleas of the county in which the principal 43304  
office of the commission is located, or in the court of common 43305  
pleas of the county in which the cause of action arose if that 43306  
county is located within this state, and all summonses, 43307  
exceptions, and notices of every kind shall be served on the 43308  
commission by leaving a copy thereof at its principal office with 43309  
the secretary-treasurer or executive director of the commission; 43310

(5) Construct, maintain, repair, police, and operate the 43311  
turnpike system, and establish rules for the use of any turnpike 43312  
project; 43313

(6) Issue revenue bonds of the state, payable solely from 43314  
pledged revenues, as provided in this chapter, for the purpose of 43315  
paying any part of the cost of constructing any one or more 43316  
turnpike projects; 43317

(7) Fix, and revise from time to time, and charge and collect 43318  
tolls; 43319

(8) Acquire, hold, and dispose of property in the exercise of 43320  
its powers and the performance of its duties under this chapter; 43321

(9) Designate the locations and establish, limit, and control 43322  
such points of ingress to and egress from each turnpike project as 43323  
are necessary or desirable in the judgment of the commission and 43324  
of the director of transportation to ensure the proper operation 43325  
and maintenance of that project, and prohibit entrance to such a 43326  
project from any point not so designated; 43327

(10) Make and enter into all contracts and agreements 43328  
necessary or incidental to the performance of its duties and the 43329  
execution of its powers under this chapter, including 43330  
participation in a multi-jurisdiction electronic toll collection 43331  
agreement and collection or remittance of tolls, fees, or other 43332

charges to or from entities or agencies that participate in such 43333  
an agreement; 43334

(11) Employ or retain or contract for the services of 43335  
consulting engineers, superintendents, managers, and any other 43336  
engineers, construction and accounting experts, financial 43337  
advisers, trustees, marketing, remarketing, and administrative 43338  
agents, attorneys, and other employees, independent contractors, 43339  
or agents that are necessary in its judgment and fix their 43340  
compensation, provided all such expenses shall be payable solely 43341  
from the proceeds of bonds or from revenues of the Ohio turnpike 43342  
system; 43343

(12) Receive and accept from any federal agency, subject to 43344  
the approval of the governor, and from any other governmental 43345  
agency grants for or in aid of the construction, reconstruction, 43346  
repair, renovation, maintenance, or operation of any turnpike 43347  
project, and receive and accept aid or contributions from any 43348  
source or person of money, property, labor, or other things of 43349  
value, to be held, used, and applied only for the purposes for 43350  
which such grants and contributions are made; 43351

(13) Provide coverage for its employees under Chapters 4123. 43352  
and 4141. of the Revised Code; 43353

(14) Fix and revise by rule, from time to time, such permit 43354  
fees, processing fees, or administrative charges for the 43355  
prepayment, deferred payment, or nonpayment of tolls and use of 43356  
electronic tolling equipment or other commission property. 43357

(B) The commission may do all acts necessary or proper to 43358  
carry out the powers expressly granted in this chapter. 43359

**Sec. 5537.16.** (A) The Ohio turnpike commission may adopt such 43360  
bylaws and rules as it considers advisable for the control and 43361  
regulation of traffic on any turnpike project, for the protection 43362

and preservation of property under its jurisdiction and control, 43363  
~~and~~ for the maintenance and preservation of good order within the 43364  
property under its control, and for the purpose of establishing 43365  
owner or operator liability for failure to comply with toll 43366  
collection rules. The rules of the commission with respect to the 43367  
speed, axle loads, vehicle loads, and vehicle dimensions of 43368  
vehicles on turnpike projects, including the issuance of a special 43369  
permit by the commission to allow the operation on any turnpike 43370  
project of a motor vehicle transporting two or fewer steel coils, 43371  
shall apply notwithstanding sections 4511.21 to 4511.24, 4513.34, 43372  
and Chapter 5577. of the Revised Code. Such bylaws and rules shall 43373  
be published in a newspaper of general circulation in Franklin 43374  
county, and in such other manner as the commission prescribes. 43375  
43376

(B) Such rules shall provide that public police officers 43377  
shall be afforded ready access, while in the performance of their 43378  
official duty, to all property under the jurisdiction of the 43379  
commission and without the payment of tolls. 43380

(C) No person shall violate any such bylaws or rules of the 43381  
commission. ~~All~~ 43382

(D)(1) All fines collected for the violation of applicable 43383  
laws of the state and the bylaws and rules of the commission or 43384  
moneys arising from bonds forfeited for such violation shall be 43385  
disposed of in accordance with section 5503.04 of the Revised 43386  
Code. 43387

(2) All fees or charges assessed by the commission against an 43388  
owner or operator of a vehicle as a civil violation for failure to 43389  
comply with toll collection rules shall be revenues of the 43390  
commission. 43391

**Sec. 5537.99.** ~~Whoever~~ (A) Except as provided in division (B) 43392  
of this section, whoever violates division (C) of section 5537.16 43393

of the Revised Code is guilty of a minor misdemeanor on a first 43394  
offense; on each subsequent offense such person is guilty of a 43395  
misdemeanor of the fourth degree. 43396

(B) Whoever violates division (C) of section 5537.16 of the 43397  
Revised Code when the violation is a civil violation for failure 43398  
to comply with toll collection rules is subject to a fee or charge 43399  
established by the commission by rule. 43400

**Sec. 5705.28.** (A) Except as provided in division (B)(1) or 43401  
(2) of this section or in section 5705.281 of the Revised Code, 43402  
the taxing authority of each subdivision or other taxing unit 43403  
shall adopt a tax budget for the next succeeding fiscal year: 43404

(1) On or before the fifteenth day of January in the case of 43405  
a school district; 43406

(2) On or before the fifteenth day of July in the case of all 43407  
other subdivisions and taxing units. 43408

(B)(1) Before the first day of June in each year, the board 43409  
of trustees of a school library district entitled to participate 43410  
in any appropriation or revenue of a school district or to have a 43411  
tax proposed by the board of education of a school district shall 43412  
file with the board of education of the school district a tax 43413  
budget for the ensuing fiscal year. On or before the fifteenth day 43414  
of July in each year, the board of education of a school district 43415  
to which a school library district tax budget was submitted under 43416  
this division shall adopt such tax budget on behalf of the library 43417  
district, but such budget shall not be part of the school 43418  
district's tax budget. 43419

(2)(a) The taxing authority of a taxing unit that does not 43420  
levy a tax is not required to adopt a tax budget pursuant to 43421  
division (A) of this section. Instead, on or before the fifteenth 43422  
day of July each year, such taxing authority shall adopt an 43423

operating budget for the taxing unit for the ensuing fiscal year. 43424  
The operating budget shall include an estimate of receipts from 43425  
all sources, a statement of all taxing unit expenses that are 43426  
anticipated to occur, and the amount required for debt charges 43427  
during the fiscal year. The operating budget is not required to be 43428  
filed with the county auditor or the county budget commission. 43429

(b) Except for this section and sections 5705.36, 5705.38, 43430  
5705.40, 5705.41, 5705.43, 5705.44, and 5705.45 of the Revised 43431  
Code, a taxing unit that does not levy a tax is not a taxing unit 43432  
for purposes of Chapter 5705. of the Revised Code. Documents 43433  
prepared in accordance with such sections are not required to be 43434  
filed with the county auditor or county budget commission. 43435

(c) The total appropriations from each fund of a taxing unit 43436  
that does not levy a tax shall not exceed the total estimated 43437  
revenue available for expenditures from the fund, and 43438  
appropriations shall be made from each fund only for the purposes 43439  
for which the fund is established. 43440

(C)(1) To assist in the preparation of the tax budget, the 43441  
head of each department, board, commission, and district authority 43442  
entitled to participate in any appropriation or revenue of a 43443  
subdivision shall file with the taxing authority, or in the case 43444  
of a municipal corporation, with its chief executive officer, 43445  
before the forty-fifth day prior to the date on which the budget 43446  
must be adopted, an estimate of contemplated revenue and 43447  
expenditures for the ensuing fiscal year, in such form as is 43448  
prescribed by the taxing authority of the subdivision or by the 43449  
auditor of state. The taxing authority shall include in its budget 43450  
of expenditures the full amounts requested by district 43451  
authorities, not to exceed the amount authorized by law, if such 43452  
authorities may fix the amount of revenue they are to receive from 43453  
the subdivision. In a municipal corporation in which a special 43454  
levy for a municipal university has been authorized to be levied 43455

in excess of the ten-mill limitation, or is required by the 43456  
charter of the municipal corporation, the taxing authority shall 43457  
include an amount not less than the estimated yield of such levy, 43458  
if such amount is requested by the board of directors of the 43459  
municipal university. 43460

(2) A county board of mental retardation and developmental 43461  
disabilities may include within its estimate of contemplated 43462  
revenue and expenditures a reserve balance account in the 43463  
community mental retardation and developmental disabilities 43464  
residential services fund. The account shall contain money that is 43465  
not needed to pay for current expenses for residential services 43466  
and supported living but will be needed to pay for expenses for 43467  
such services in the future or may be needed for unanticipated 43468  
emergency expenses. On the request of the county board of mental 43469  
retardation and developmental disabilities, the board of county 43470  
commissioners shall include such an account in its budget of 43471  
expenditures and appropriate money to the account from residential 43472  
service moneys for the county board. 43473

(D) The board of trustees of any public library desiring to 43474  
participate in the distribution of the county ~~library and~~ local 43475  
~~government support~~ libraries fund shall adopt appropriate rules 43476  
extending the benefits of the library service of such library to 43477  
all the inhabitants of the county on equal terms, unless such 43478  
library service is by law available to all such inhabitants, and 43479  
shall certify a copy of such rules to the taxing authority with 43480  
its estimate of contemplated revenue and expenditures. Where such 43481  
rules have been so certified or where the adoption of such rules 43482  
is not required, the taxing authority shall include in its budget 43483  
of receipts such amounts as are specified by such board as 43484  
contemplated revenue from the county ~~library and~~ local ~~government~~ 43485  
~~support~~ libraries fund, and in its budget of expenditures the full 43486  
amounts requested therefrom by such board. No library association, 43487

incorporated or unincorporated, is entitled to participate in the 43488  
proceeds of the county ~~library and local government support~~ 43489  
libraries fund or other public funds unless such association was 43490  
organized and operating prior to January 1, 1968. 43491

**Sec. 5705.281.** (A) Notwithstanding section 5705.28 of the 43492  
Revised Code, the county budget commission, by an affirmative vote 43493  
of a majority of the commission, including an affirmative vote by 43494  
the county auditor, may waive the requirement that the taxing 43495  
authority of a subdivision or other taxing unit adopt a tax budget 43496  
as provided under section 5705.28 of the Revised Code, but shall 43497  
require such a taxing authority to provide such information to the 43498  
commission as may be required by the commission to perform its 43499  
duties under this chapter, including dividing the rates of each of 43500  
the subdivision's or taxing unit's tax levies as provided under 43501  
section 5705.04 of the Revised Code. 43502

(B)(1) Notwithstanding divisions (B)(1) and (D) of section 43503  
5705.28 of the Revised Code, in any county in which a single 43504  
library receives all of the county ~~library and local government~~ 43505  
~~support~~ libraries fund or receives all of that portion of the fund 43506  
that is distributed to libraries, the county budget commission, by 43507  
an affirmative vote of a majority of the commission, including an 43508  
affirmative vote by the county auditor, may waive any or all of 43509  
the following requirements: 43510

(a) The requirement that the board of trustees of a school 43511  
library district entitled to participate in any appropriation or 43512  
revenue of a school district or to have a tax proposed by the 43513  
board of education of a school district file with the board of 43514  
education of the school district a tax budget, and the requirement 43515  
that the board of education adopt the tax budget on behalf of the 43516  
library district, as provided in division (B)(1) of section 43517  
5705.28 of the Revised Code; 43518

(b) The requirement that the board of trustees of a public library desiring to participate in the distribution of the county ~~library and local government support libraries~~ fund certify to the taxing authority its estimate of contemplated revenue and expenditures, and the requirement that the taxing authority include in its budget of receipts and budget of expenditures the full amounts specified or requested by the board of trustees, as provided in division (D) of section 5705.28 of the Revised Code.

(2) If a county budget commission waives the requirements described in division (B)(1)(a) or (b) of this section, the commission shall require the board of trustees of the school library district or the board of trustees of the public library desiring to participate in the distribution of the county ~~library and local government support libraries~~ fund to provide to the commission any information the commission may require from the board in order for the commission to perform its duties under this chapter.

**Sec. 5705.29.** This section does not apply to a subdivision or taxing unit for which the county budget commission has waived the requirement to adopt a tax budget pursuant to section 5705.281 of the Revised Code. The tax budget shall present the following information in such detail as is prescribed by the auditor of state:

(A)(1) A statement of the necessary current operating expenses for the ensuing fiscal year for each department and division of the subdivision, classified as to personal services and other expenses, and the fund from which such expenditures are to be made. Except in the case of a school district, this estimate may include a contingent expense not designated for any particular purpose, and not to exceed three per cent of the total amount of appropriations for current expenses. In the case of a school

district, this estimate may include a contingent expense not 43550  
designated for any particular purpose and not to exceed thirteen 43551  
per cent of the total amount of appropriations for current 43552  
expenses. 43553

(2) A statement of the expenditures for the ensuing fiscal 43554  
year necessary for permanent improvements, exclusive of any 43555  
expense to be paid from bond issues, classified as to the 43556  
improvements contemplated by the subdivision and the fund from 43557  
which such expenditures are to be made; 43558

(3) The amounts required for the payment of final judgments; 43559

(4) A statement of expenditures for the ensuing fiscal year 43560  
necessary for any purpose for which a special levy is authorized, 43561  
and the fund from which such expenditures are to be made; 43562

(5) Comparative statements, so far as possible, in parallel 43563  
columns of corresponding items of expenditures for the current 43564  
fiscal year and the two preceding fiscal years. 43565

(B)(1) An estimate of receipts from other sources than the 43566  
general property tax during the ensuing fiscal year, which shall 43567  
include an estimate of unencumbered balances at the end of the 43568  
current fiscal year, and the funds to which such estimated 43569  
receipts are credited; 43570

(2) The amount each fund requires from the general property 43571  
tax, which shall be the difference between the contemplated 43572  
expenditure from the fund and the estimated receipts, as provided 43573  
in this section. The section of the Revised Code under which the 43574  
tax is authorized shall be set forth. 43575

(3) Comparative statements, so far as possible, in parallel 43576  
columns of taxes and other revenues for the current fiscal year 43577  
and the two preceding fiscal years. 43578

(C)(1) The amount required for debt charges; 43579

(2) The estimated receipts from sources other than the tax 43580  
levy for payment of such debt charges, including the proceeds of 43581  
refunding bonds to be issued to refund bonds maturing in the next 43582  
succeeding fiscal year; 43583

(3) The net amount for which a tax levy shall be made, 43584  
classified as to bonds authorized and issued prior to January 1, 43585  
1922, and those authorized and issued subsequent to such date, and 43586  
as to what portion of the levy will be within and what in excess 43587  
of the ten-mill limitation. 43588

(D) An estimate of amounts from taxes authorized to be levied 43589  
in excess of the ten-mill limitation on the tax rate, and the fund 43590  
to which such amounts will be credited, together with the sections 43591  
of the Revised Code under which each such tax is exempted from all 43592  
limitations on the tax rate. 43593

(E)(1) A board of education may include in its budget for the 43594  
fiscal year in which a levy proposed under section 5705.194, 43595  
5705.21, or 5705.213, or the original levy under section 5705.212 43596  
of the Revised Code is first extended on the tax list and 43597  
duplicate an estimate of expenditures to be known as a voluntary 43598  
contingency reserve balance, which shall not be greater than 43599  
twenty-five per cent of the total amount of the levy estimated to 43600  
be available for appropriation in such year. 43601

(2) A board of education may include in its budget for the 43602  
fiscal year following the year in which a levy proposed under 43603  
section 5705.194, 5705.21, or 5705.213, or the original levy under 43604  
section 5705.212 of the Revised Code is first extended on the tax 43605  
list and duplicate an estimate of expenditures to be known as a 43606  
voluntary contingency reserve balance, which shall not be greater 43607  
than twenty per cent of the amount of the levy estimated to be 43608  
available for appropriation in such year. 43609

(3) Except as provided in division (E)(4) of this section, 43610

the full amount of any reserve balance the board includes in its 43611  
budget shall be retained by the county auditor and county 43612  
treasurer out of the first semiannual settlement of taxes until 43613  
the beginning of the next succeeding fiscal year, and thereupon, 43614  
with the depository interest apportioned thereto, it shall be 43615  
turned over to the board of education, to be used for the purposes 43616  
of such fiscal year. 43617

(4) A board of education, by a two-thirds vote of all members 43618  
of the board, may appropriate any amount withheld as a voluntary 43619  
contingency reserve balance during the fiscal year for any lawful 43620  
purpose, provided that prior to such appropriation the board of 43621  
education has authorized the expenditure of all amounts 43622  
appropriated for contingencies under section 5705.40 of the 43623  
Revised Code. Upon request by the board of education, the county 43624  
auditor shall draw a warrant on the district's account in the 43625  
county treasury payable to the district in the amount requested. 43626

(F)(1) A board of education may include a spending reserve in 43627  
its budget for fiscal years ending on or before June 30, 2002. The 43628  
spending reserve shall consist of an estimate of expenditures not 43629  
to exceed the district's spending reserve balance. A district's 43630  
spending reserve balance is the amount by which the designated 43631  
percentage of the district's estimated personal property taxes to 43632  
be settled during the calendar year in which the fiscal year ends 43633  
exceeds the estimated amount of personal property taxes to be so 43634  
settled and received by the district during that fiscal year. 43635  
Moneys from a spending reserve shall be appropriated in accordance 43636  
with section 133.301 of the Revised Code. 43637

(2) For the purposes of computing a school district's 43638  
spending reserve balance for a fiscal year, the designated 43639  
percentage shall be as follows: 43640

Fiscal year ending in:	Designated percentage	
1998	50%	43642

1999	40%	43643
2000	30%	43644
2001	20%	43645
2002	10%	43646

(G) Except as otherwise provided in this division, the county budget commission shall not reduce the taxing authority of a subdivision as a result of the creation of a reserve balance account. Except as otherwise provided in this division, the county budget commission shall not consider the amount in a reserve balance account of a township, county, or municipal corporation as an unencumbered balance or as revenue for the purposes of division (E)(3) or (4) of section 5747.51 ~~or division (E)(3) or (4) of section 5747.62~~ of the Revised Code. The county budget commission may require documentation of the reasonableness of the reserve balance held in any reserve balance account. The commission shall consider any amount in a reserve balance account that it determines to be unreasonable as unencumbered and as revenue for the purposes of sections 5747.51 ~~and 5747.62~~ of the Revised Code and may take such amounts into consideration when determining whether to reduce the taxing authority of a subdivision.

**Sec. 5705.30.** This section does not apply to a subdivision for which the county budget commission has waived the requirement to adopt a tax budget under section 5705.281 of the Revised Code.

In addition to the information required by section 5705.29 of the Revised Code, the budget of each subdivision and school library district shall include such other information as is prescribed by the auditor of state. At least two copies of the budget shall be filed in the office of the fiscal officer of the subdivision for public inspection not less than ten days before its adoption by the taxing authority, and such taxing authority shall hold at least one public hearing thereon, of which public notice shall be given by at least one publication not less than

ten days prior to the date of hearing in the official publication 43675  
of such subdivision, or in a newspaper having general circulation 43676  
in the subdivision. The budget, after adoption, shall be submitted 43677  
to the county auditor on or before the twentieth day of July, or 43678  
in the case of a school district, by the twentieth day of January. 43679  
The tax commissioner may prescribe a later date for the submission 43680  
of a subdivision's tax budget. Any subdivision that fails to 43681  
submit its budget to the county auditor on or before the twentieth 43682  
day of July, unless the commissioner on or before the twentieth 43683  
day of July prescribes a later date for submission of the budget 43684  
by that subdivision, shall not receive an apportionment from the 43685  
undivided local ~~government~~ communities fund distribution for the 43686  
ensuing calendar year, unless upon review of the matter the 43687  
commissioner determines that the budget was adopted by the 43688  
subdivision on or before the fifteenth day of July, but was not 43689  
submitted to the county auditor by the twentieth day of July or 43690  
the later time prescribed by the commissioner because of 43691  
ministerial error by the subdivision or its officers, employees, 43692  
or other representatives. 43693

**Sec. 5705.31.** The county auditor shall present to the county 43694  
budget commission the annual tax budgets submitted under sections 43695  
5705.01 to 5705.47 of the Revised Code, together with an estimate 43696  
prepared by the auditor of the amount of any state levy, the rate 43697  
of any school tax levy as previously determined, the tax 43698  
commissioner's estimate of the amount to be received in the county 43699  
~~library and local government support~~ libraries fund, the tax rates 43700  
provided under section 5705.281 of the Revised Code if adoption of 43701  
the tax budget was waived under that section, and such other 43702  
information as the commission requests or the tax commissioner 43703  
prescribes. The budget commission shall examine such budget and 43704  
ascertain the total amount proposed to be raised in the county for 43705  
the purposes of each subdivision and other taxing units in the 43706

county. 43707

The commission shall ascertain that the following levies have 43708  
been properly authorized and, if so authorized, shall approve them 43709  
without modification: 43710

(A) All levies in excess of the ten-mill limitation; 43711

(B) All levies for debt charges not provided for by levies in 43712  
excess of the ten-mill limitation, including levies necessary to 43713  
pay notes issued for emergency purposes; 43714

(C) The levies prescribed by division (B) of sections 742.33 43715  
and 742.34 of the Revised Code; 43716

(D) Except as otherwise provided in this division, a minimum 43717  
levy within the ten-mill limitation for the current expense and 43718  
debt service of each subdivision or taxing unit, which shall equal 43719  
two-thirds of the average levy for current expenses and debt 43720  
service allotted within the fifteen-mill limitation to such 43721  
subdivision or taxing unit during the last five years the 43722  
fifteen-mill limitation was in effect unless such subdivision or 43723  
taxing unit requests an amount requiring a lower rate. Except as 43724  
provided in section 5705.312 of the Revised Code, if the levies 43725  
required in divisions (B) and (C) of this section for the 43726  
subdivision or taxing unit equal or exceed the entire minimum levy 43727  
of the subdivision as fixed, the minimum levies of the other 43728  
subdivisions or taxing units shall be reduced by the commission to 43729  
provide for the levies and an operating levy for the subdivision. 43730  
Such additional levy shall be deducted from the minimum levies of 43731  
each of the other subdivisions or taxing units, but the operating 43732  
levy for a school district shall not be reduced below a figure 43733  
equivalent to forty-five per cent of the millage available within 43734  
the ten-mill limitation after all the levies in divisions (B) and 43735  
(C) of this section have been provided for. 43736

If a municipal corporation and a township have entered into 43737

an annexation agreement under section 709.192 of the Revised Code 43738  
in which they agree to reallocate their shares of the minimum 43739  
levies established under this division and if that annexation 43740  
agreement is submitted along with the annual tax budget of both 43741  
the township and the municipal corporation, then, when determining 43742  
the minimum levy under this division, the auditor shall allocate, 43743  
to the extent possible, the minimum levy for that municipal 43744  
corporation and township in accordance with their annexation 43745  
agreement. 43746

(E) The levies prescribed by section 3709.29 of the Revised 43747  
Code. 43748

Divisions (A) to (E) of this section are mandatory, and 43749  
commissions shall be without discretion to reduce such minimum 43750  
levies except as provided in such divisions. 43751

If any debt charge is omitted from the budget, the commission 43752  
shall include it therein. 43753

**Sec. 5705.32.** (A) The county budget commission shall adjust 43754  
the estimated amounts required from the general property tax for 43755  
each fund, as shown by the tax budgets or other information 43756  
required to be provided under section 5705.281 of the Revised 43757  
Code, so as to bring the tax levies required therefor within the 43758  
limitations specified in sections 5705.01 to 5705.47 of the 43759  
Revised Code, for such levies, but no levy shall be reduced below 43760  
a minimum fixed by law. The commission may revise and adjust the 43761  
estimate of balances and receipts from all sources for each fund 43762  
and shall determine the total appropriations that may be made 43763  
therefrom. 43764

(B) The commission shall fix the amount of the county ~~library~~ 43765  
~~and local government support libraries~~ fund to be distributed to 43766  
each board of public library trustees that has qualified under 43767  
section 5705.28 of the Revised Code for participation in the 43768

proceeds of such fund. The amount paid to all libraries in the 43769  
county from such fund shall never be a smaller per cent of the 43770  
fund than the average of the percentages of the county's 43771  
classified taxes that were distributed to libraries in 1982, 1983, 43772  
and 1984, as determined by the county auditor. The commission 43773  
shall base the amount for distribution on the needs of such 43774  
library for the construction of new library buildings, parts of 43775  
buildings, improvements, operation, maintenance, or other 43776  
expenses. In determining the needs of each library board of 43777  
trustees, and in calculating the amount to be distributed to any 43778  
library board of trustees on the basis of its needs, the 43779  
commission shall make no reduction in its allocation from the fund 43780  
on account of additional revenues realized by a library from 43781  
increased taxes or service charges voted by its electorate, from 43782  
revenues received through federal or state grants, projects, or 43783  
programs, or from grants from private sources. 43784

(C) Notwithstanding the fact that alternative methods of 43785  
financing such needs are available, after fixing the amount to be 43786  
distributed to libraries, the commission shall fix the amount, if 43787  
any, of the county ~~library and local government support~~ libraries 43788  
fund to be distributed to each board of township park 43789  
commissioners, the county, and each municipal corporation in 43790  
accordance with the following: 43791

(1) Each municipal corporation in the county shall receive a 43792  
per cent of the remainder that equals the per cent that the county 43793  
auditor determines the classified property taxes originating in 43794  
such municipal corporation in 1984 were of the total of all of the 43795  
county's classified property taxes in 1984. The commission may 43796  
deduct from this amount any amount that the budget commission 43797  
allows to the board of township park commissioners of a township 43798  
park district, the boundaries of which are coextensive with or 43799  
contained within the boundaries of the municipal corporation. 43800

(2) The county shall receive a per cent of the remainder that equals the per cent that the county auditor determines the classified property taxes originating outside of the boundaries of municipal corporations in the county in 1984 were of the total of all of the county's classified property taxes in 1984. The commission may deduct from this amount any amount that the budget commission allows to the board of township park commissioners of a township park district, the boundaries of which are not coextensive with or contained within those of any municipal corporation in the county.

(D) The commission shall separately set forth the amounts fixed and determined under divisions (B) and (C) of this section in the "official certificate of estimated resources," as provided in section 5705.35 of the Revised Code, and separately certify such amount to the county auditor who shall be guided thereby in the distribution of the county ~~library and local government support~~ libraries fund for and during the fiscal year. In determining such amounts, the commission shall be guided by the estimate certified by the tax commissioner and presented by the auditor under section 5705.31 of the Revised Code, as to the total amount of revenue to be received in the county ~~library and local government support~~ libraries fund during such fiscal year.

(E)(1) At least five days before the date of any meeting at which the budget commission plans to discuss the distribution of the county ~~library and local government support~~ libraries fund, it shall notify each legislative authority and board of public library trustees, county commissioners, and township park commissioners eligible to participate in the distribution of the fund of the date, time, place, and agenda for the meeting. Any legislative authority or board entitled to notice under this division may designate an officer or employee of such legislative authority or board to whom the commission shall deliver the

notice. 43833

(2) Before the final determination of the amount to be 43834  
allotted to each subdivision from any source, the commission shall 43835  
permit representatives of each subdivision and of each board of 43836  
public library trustees to appear before it to explain its 43837  
financial needs. 43838

(F) If any public library receives and expends any funds 43839  
allocated to it under this section for the construction of new 43840  
library buildings or parts of buildings, such library shall be 43841  
free and open to the inhabitants of the county in which it is 43842  
located. Any board of library trustees that receives funds under 43843  
this section and section 5747.48 of the Revised Code shall have 43844  
its financial records open for public inspection at all reasonable 43845  
times. 43846

**Sec. 5705.321.** (A) As used in this section: 43847

(1) "City, located wholly or partially in the county, with 43848  
the greatest population" means the city, located wholly or 43849  
partially in the county, with the greatest population residing in 43850  
the county; however, if the county budget commission on or before 43851  
January 1, 1998, adopted an alternative method of apportionment 43852  
that was approved by the city, located partially in the county, 43853  
with the greatest population but not the greatest population 43854  
residing in the county, "city, located wholly or partially in the 43855  
county, with the greatest population" means the city, located 43856  
wholly or partially in the county, with the greatest population 43857  
whether residing in the county or not, if this alternative meaning 43858  
is adopted by action of the board of county commissioners and a 43859  
majority of the boards of township trustees and legislative 43860  
authorities of municipal corporations located wholly or partially 43861  
in the county. 43862

(2) "Participating political subdivision" means a municipal 43863

corporation or township that satisfies all of the following: 43864

(a) It is located wholly or partially in the county. 43865

(b) It is not the city, located wholly or partially in the 43866  
county, with the greatest population. 43867

(c) ~~Library and local government support~~ Local libraries fund 43868  
moneys are apportioned to it under the county's alternative method 43869  
or formula of apportionment in the current calendar year. 43870

(B) In lieu of the method of apportionment of the county 43871  
~~library and local government support~~ libraries fund provided by 43872  
division (C) of section 5705.32 of the Revised Code, the county 43873  
budget commission may provide for the apportionment of the fund 43874  
under an alternative method or on a formula basis as authorized by 43875  
this section. 43876

Except as otherwise provided in division (C) of this section, 43877  
the alternative method of apportionment shall have first been 43878  
approved by all of the following governmental units: the board of 43879  
county commissioners; the legislative authority of the city, 43880  
located wholly or partially in the county, with the greatest 43881  
population; and a majority of the boards of township trustees and 43882  
legislative authorities of municipal corporations, located wholly 43883  
or partially in the county, excluding the legislative authority of 43884  
the city, located wholly or partially in the county, with the 43885  
greatest population. In granting or denying approval for an 43886  
alternative method of apportionment, the board of county 43887  
commissioners, boards of township trustees, and legislative 43888  
authorities of municipal corporations shall act by motion. A 43889  
motion to approve shall be passed upon a majority vote of the 43890  
members of a board of county commissioners, board of township 43891  
trustees, or legislative authority of a municipal corporation, 43892  
shall take effect immediately, and need not be published. 43893

Any alternative method of apportionment adopted and approved 43894

under this division may be revised, amended, or repealed in the 43895  
same manner as it may be adopted and approved. If an alternative 43896  
method of apportionment adopted and approved under this division 43897  
is repealed, the county ~~library and local government support~~ 43898  
libraries fund shall be apportioned among the subdivisions 43899  
eligible to participate in the fund, commencing in the ensuing 43900  
calendar year, under the apportionment provided in divisions (B) 43901  
and (C) of section 5705.32 of the Revised Code, unless the repeal 43902  
occurs by operation of division (C) of this section or a new 43903  
method for apportionment of the fund is provided in the action of 43904  
repeal. 43905

(C) This division applies only in counties in which the city, 43906  
located wholly or partially in the county, with the greatest 43907  
population has a population of twenty thousand or less and a 43908  
population that is less than fifteen per cent of the total 43909  
population of the county. In such a county, the legislative 43910  
authorities or boards of township trustees of two or more 43911  
participating political subdivisions, which together have a 43912  
population residing in the county that is a majority of the total 43913  
population of the county, each may adopt a resolution to exclude 43914  
the approval otherwise required of the legislative authority of 43915  
the city, located wholly or partially in the county, with the 43916  
greatest population. All of the resolutions to exclude that 43917  
approval shall be adopted not later than the first Monday of 43918  
August of the year preceding the calendar year in which 43919  
distributions are to be made under an alternative method of 43920  
apportionment. 43921

A motion granting or denying approval of an alternative 43922  
method of apportionment under this division shall be adopted by a 43923  
majority vote of the members of the board of county commissioners 43924  
and by a majority vote of a majority of the boards of township 43925  
trustees and legislative authorities of the municipal corporations 43926

located wholly or partially in the county, other than the city, 43927  
located wholly or partially in the county, with the greatest 43928  
population, shall take effect immediately, and need not be 43929  
published. The alternative method of apportionment under this 43930  
division shall be adopted and approved annually, not later than 43931  
the first Monday of August of the year preceding the calendar year 43932  
in which distributions are to be made under it. A motion granting 43933  
approval of an alternative method of apportionment under this 43934  
division repeals any existing alternative method of apportionment, 43935  
effective with distributions to be made from the fund in the 43936  
ensuing calendar year. An alternative method of apportionment 43937  
under this division shall not be revised or amended after the 43938  
first Monday of August of the year preceding the calendar year in 43939  
which distributions are to be made under it. 43940

(D) In determining an alternative method of apportionment 43941  
authorized by this section, the county budget commission may 43942  
include in the method any factor considered to be appropriate and 43943  
reliable, in the sole discretion of the county budget commission. 43944

(E) On the basis of any alternative method of apportionment 43945  
adopted and approved as authorized by this section, as certified 43946  
by the auditor to the county treasurer, the county treasurer shall 43947  
make distribution of the money in the county ~~library and~~ local 43948  
~~government support~~ libraries fund to each subdivision eligible to 43949  
participate in the fund, and the auditor, when the amount of those 43950  
shares is in the custody of the treasurer in the amounts so 43951  
computed to be due the respective subdivisions, shall at the same 43952  
time certify to the tax commissioner the percentage share of the 43953  
county as a subdivision. All money received into the treasury of a 43954  
subdivision from the county ~~library and~~ local ~~government support~~ 43955  
libraries fund in a county treasury shall be paid into the general 43956  
fund and used for the current operating expenses of the 43957  
subdivision. 43958

(F) The actions of the county budget commission taken 43959  
pursuant to this section are final and may not be appealed to the 43960  
board of tax appeals, except on the issues of abuse of discretion 43961  
and failure to comply with the formula. 43962

**Sec. 5705.37.** The taxing authority of any subdivision that is 43963  
dissatisfied with any action of the county budget commission may, 43964  
through its fiscal officer, appeal to the board of tax appeals 43965  
within thirty days after the receipt by the subdivision of the 43966  
official certificate or notice of the commission's action. In like 43967  
manner, but through its clerk, the board of trustees of any public 43968  
library, nonprofit corporation, or library association maintaining 43969  
a free public library that has adopted and certified rules under 43970  
section 5705.28 of the Revised Code, or any park district may 43971  
appeal to the board of tax appeals. An appeal under this section 43972  
shall be taken by the filing of a notice of appeal, either in 43973  
person or by certified mail, express mail, or authorized delivery 43974  
service as provided in section 5703.056 of the Revised Code, with 43975  
the board and with the commission. If notice of appeal is filed by 43976  
certified mail, express mail, or authorized delivery service, date 43977  
of the United States postmark placed on the sender's receipt by 43978  
the postal service or the date of receipt recorded by the 43979  
authorized delivery service shall be treated as the date of 43980  
filing. Upon receipt of the notice of appeal, the commission, by 43981  
certified mail, shall notify all persons who were parties to the 43982  
proceeding before the commission of the filing of the notice of 43983  
appeal and shall file proof of notice with the board of tax 43984  
appeals. The secretary of the commission shall forthwith certify 43985  
to the board a transcript of the full and accurate record of all 43986  
proceedings before the commission, together with all evidence 43987  
presented in the proceedings or considered by the commission, 43988  
pertaining to the action from which the appeal is taken. The 43989  
secretary of the commission also shall certify to the board any 43990

additional information that the board may request. 43991

The board of tax appeals, in a de novo proceeding, shall 43992  
forthwith consider the matter presented to the commission, and may 43993  
modify any action of the commission with reference to the budget, 43994  
the estimate of revenues and balances, the allocation of the 43995  
~~library and local government support libraries~~ fund, or the fixing 43996  
of tax rates. The finding of the board of tax appeals shall be 43997  
substituted for the findings of the commission, and shall be 43998  
certified to the tax commissioner, the county auditor, and the 43999  
taxing authority of the subdivision affected, or to the board of 44000  
public library trustees affected, as the action of the commission 44001  
under sections 5705.01 to 5705.47 of the Revised Code. 44002

This section does not give the board of tax appeals any 44003  
authority to place any tax levy authorized by law within the 44004  
ten-mill limitation outside of that limitation, or to reduce any 44005  
levy below any minimum fixed by law. 44006

**Sec. 5705.44.** When contracts or leases run beyond the 44007  
termination of the fiscal year in which they are made, the fiscal 44008  
officer of the taxing authority shall make a certification for the 44009  
amount required to meet the obligation of such contract or lease 44010  
maturing in such fiscal year. The amount of the obligation under 44011  
such contract or lease remaining unfulfilled at the end of a 44012  
fiscal year, and which will become payable during the next fiscal 44013  
year, shall be included in the annual appropriation measure for 44014  
the next year as a fixed charge. 44015

The certificate required by section 5705.41 of the Revised 44016  
Code as to money in the treasury shall not be required for 44017  
contracts on which payments are to be made from the earnings of a 44018  
publicly operated water works or public utility, but in the case 44019  
of any such contract made without such certification, no payment 44020  
shall be made on account thereof, and no claim or demand thereon 44021

shall be recoverable, except out of such earnings. That 44022  
certificate also shall not be required if requiring the 44023  
certificate makes it impossible for a county board of mental 44024  
retardation and developmental disabilities to pay the nonfederal 44025  
share of medicaid expenditures that the county board is required 44026  
by ~~division (A) of section 5126.057~~ sections 5126.059 and 44027  
5126.0510 of the Revised Code to pay. 44028

**Sec. 5709.68.** (A) On or before the thirty-first day of March 44029  
each year, a municipal corporation or county that has entered into 44030  
an agreement with an enterprise under section 5709.62, 5709.63, or 44031  
5709.632 of the Revised Code shall submit to the director of 44032  
development and the board of education of each school district of 44033  
which a municipal corporation or township to which such an 44034  
agreement applies is a part a report on all of those agreements in 44035  
effect during the preceding calendar year. The report shall 44036  
include all of the following information: 44037

(1) The designation, assigned by the director of development, 44038  
of each urban jobs and enterprise zone within the municipal 44039  
corporation or county, the date each zone was certified, the name 44040  
of each municipal corporation or township within each zone, and 44041  
the total population of each zone according to the most recent 44042  
data available; 44043

(2) The number of enterprises that are subject to those 44044  
agreements and the number of full-time employees subject to those 44045  
agreements within each zone, each according to the most recent 44046  
data available and identified and categorized by the appropriate 44047  
standard industrial code, and the rate of unemployment in the 44048  
municipal corporation or county in which the zone is located for 44049  
each year since each zone was certified; 44050

(3) The number of agreements approved and executed during the 44051  
calendar year for which the report is submitted, the total number 44052

of agreements in effect on the thirty-first day of December of the 44053  
preceding calendar year, the number of agreements that expired 44054  
during the calendar year for which the report is submitted, and 44055  
the number of agreements scheduled to expire during the calendar 44056  
year in which the report is submitted. For each agreement that 44057  
expired during the calendar year for which the report is 44058  
submitted, the municipal corporation or county shall include the 44059  
amount of taxes exempted and the estimated dollar value of any 44060  
other incentives provided under the agreement. 44061

(4) The number of agreements receiving compliance reviews by 44062  
the tax incentive review council in the municipal corporation or 44063  
county during the calendar year for which the report is submitted, 44064  
including all of the following information: 44065

(a) The number of agreements the terms of which an enterprise 44066  
has complied with, indicating separately for each agreement the 44067  
value of the real and personal property exempted pursuant to the 44068  
agreement and a comparison of the stipulated and actual schedules 44069  
for hiring new employees, for retaining existing employees, for 44070  
the amount of payroll of the enterprise attributable to these 44071  
employees, and for investing in establishing, expanding, 44072  
renovating, or occupying a facility; 44073

(b) The number of agreements the terms of which an enterprise 44074  
has failed to comply with, indicating separately for each 44075  
agreement the value of the real and personal property exempted 44076  
pursuant to the agreement and a comparison of the stipulated and 44077  
actual schedules for hiring new employees, for retaining existing 44078  
employees, for the amount of payroll of the enterprise 44079  
attributable to these employees, and for investing in 44080  
establishing, expanding, renovating, or occupying a facility; 44081

(c) The number of agreements about which the tax incentive 44082  
review council made recommendations to the legislative authority 44083  
of the municipal corporation or county, and the number of those 44084

recommendations that have not been followed;	44085
(d) The number of agreements rescinded during the calendar year for which the report is submitted.	44086 44087
(5) The number of enterprises that are subject to agreements that expanded within each zone, including the number of new employees hired and existing employees retained by each enterprise, and the number of new enterprises that are subject to agreements and that established within each zone, including the number of new employees hired by each enterprise;	44088 44089 44090 44091 44092 44093
(6)(a) The number of enterprises that are subject to agreements and that closed or reduced employment at any place of business within the state for the primary purpose of establishing, expanding, renovating, or occupying a facility, indicating separately for each enterprise the political subdivision in which the enterprise closed or reduced employment at a place of business and the number of full-time employees transferred and retained by each such place of business;	44094 44095 44096 44097 44098 44099 44100 44101
(b) The number of enterprises that are subject to agreements and that closed or reduced employment at any place of business outside the state for the primary purpose of establishing, expanding, renovating, or occupying a facility.	44102 44103 44104 44105
(7) For each agreement in effect during any part of the preceding year, the number of employees employed by the enterprise at the project site immediately prior to formal approval of the agreement, the number of employees employed by the enterprise at the project site on the thirty-first day of December of the preceding year, the payroll of the enterprise for the preceding year, the amount of taxes paid on tangible personal property situated at the project site and the amount of those taxes that were not paid because of the exemption granted under the agreement, and the amount of taxes paid on real property	44106 44107 44108 44109 44110 44111 44112 44113 44114 44115

constituting the project site and the amount of those taxes that 44116  
were not paid because of the exemption granted under the 44117  
agreement. If an agreement was entered into under section 5709.632 44118  
of the Revised Code with an enterprise described in division 44119  
(B)(2) of that section, the report shall include the number of 44120  
employee positions at all of the enterprise's locations in this 44121  
state. If an agreement is conditioned on a waiver issued under 44122  
division (B) of section 5709.633 of the Revised Code on the basis 44123  
of the circumstance described in division (B)(3)(a) or (b) of that 44124  
section, the report shall include the number of employees at the 44125  
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 44126  
section, respectively. 44127

(B) Upon the failure of a municipal corporation or county to 44128  
comply with division (A) of this section: 44129

(1) Beginning on the first day of April of the calendar year 44130  
in which the municipal corporation or county fails to comply with 44131  
that division, the municipal corporation or county shall not enter 44132  
into any agreements with an enterprise under section 5709.62, 44133  
5709.63, or 5709.632 of the Revised Code until the municipal 44134  
corporation or county has complied with division (A) of this 44135  
section. 44136

(2) On the first day of each ensuing calendar month until the 44137  
municipal corporation or county complies with division (A) of this 44138  
section, the director of development shall either order the proper 44139  
county auditor to deduct from the next succeeding payment of taxes 44140  
to the municipal corporation or county under section 321.31, 44141  
321.32, 321.33, or 321.34 of the Revised Code an amount equal to 44142  
one thousand dollars for each calendar month the municipal 44143  
corporation or county fails to comply with that division, or order 44144  
the county auditor to deduct that amount from the next succeeding 44145  
payment to the municipal corporation or county from the undivided 44146  
local ~~government~~ communities fund under section 5747.51 of the 44147

Revised Code. At the time such a payment is made, the county auditor shall comply with the director's order by issuing a warrant, drawn on the fund from which the money would have been paid, to the director of development, who shall deposit the warrant into the state enterprise zone program administration fund created in division (C) of this section.

(C) The director, by rule, shall establish the state's application fee for applications submitted to a municipal corporation or county to enter into an agreement under section 5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing the amount of the fee, the director shall consider the state's cost of administering the enterprise zone program, including the cost of reviewing the reports required under division (A) of this section. The director may change the amount of the fee at the times and in the increments the director considers necessary. Any municipal corporation or county that receives an application shall collect the application fee and remit the fee for deposit in the state treasury to the credit of the ~~state enterprise zone program administration fund, which is hereby created. Money credited to the fund shall be used by the department of development to pay the costs of administering the enterprise zone program, including the cost of reviewing the reports required under division (A) of this section~~ tax incentive programs operating fund created in section 122.174 of the Revised Code.

(D) On or before the thirtieth day of June each year, the director of development shall certify to the tax commissioner the information described under division (A)(7) of this section, derived from the reports submitted to the director under this section.

On the basis of the information certified under this division, the tax commissioner annually shall submit a report to the governor, the speaker of the house of representatives, the

president of the senate, and the chairpersons of the ways and 44180  
means committees of the respective houses of the general assembly, 44181  
indicating for each enterprise zone the amount of state and local 44182  
taxes that were not required to be paid because of exemptions 44183  
granted under agreements entered into under section 5709.62, 44184  
5709.63, or 5709.632 of the Revised Code and the amount of 44185  
additional taxes paid from the payroll of new employees. 44186

**Sec. 5709.882.** (A) On or before the thirty-first day of March 44187  
each year, a municipal corporation or county that has entered into 44188  
an agreement with an enterprise under section 5709.88 of the 44189  
Revised Code shall submit to the director of development and the 44190  
board of education of each school district of which a municipal 44191  
corporation or county to which such an agreement applies is a part 44192  
a report on all such agreements in effect during the preceding 44193  
calendar year. The report shall include all of the following 44194  
information: 44195

(1) The number of enterprises that are subject to such 44196  
agreements and the number of full-time employees subject to those 44197  
agreements in the county or municipal corporation; 44198

(2) The number of agreements approved and executed during the 44199  
calendar year for which the report is submitted, the total number 44200  
of agreements in effect on the thirty-first day of December of the 44201  
preceding calendar year, the number of agreements that expired 44202  
during the calendar year for which the report is submitted, and 44203  
the number of agreements scheduled to expire during the calendar 44204  
year in which the report is submitted. For each agreement that 44205  
expired during the calendar year for which the report is 44206  
submitted, the municipal corporation or county shall include the 44207  
amount of taxes exempted and the estimated dollar value of any 44208  
other incentives provided under the agreement. 44209

(3) The number of agreements receiving compliance reviews by 44210

the tax incentive review council in the municipal corporation or 44211  
county under section 5709.883 of the Revised Code during the 44212  
calendar year for which the report is submitted, including all of 44213  
the following information: 44214

(a) The number of agreements the terms of which an enterprise 44215  
has complied with, indicating separately for each such agreement 44216  
the value of the real and personal property exempted pursuant to 44217  
the agreement and a comparison of the stipulated and actual 44218  
schedules for hiring new employees, for retaining existing 44219  
employees, for the amount of payroll of the enterprise 44220  
attributable to these employees, and for remediating and investing 44221  
in establishing, expanding, renovating, or occupying a facility; 44222

(b) The number of agreements the terms of which an enterprise 44223  
has failed to comply with, indicating separately for each such 44224  
agreement the value of the real and personal property exempted 44225  
pursuant to the agreement and a comparison of the stipulated and 44226  
actual schedules for hiring new employees, for retaining existing 44227  
employees, for the amount of payroll of the enterprise 44228  
attributable to these employees, and for remediating and investing 44229  
in establishing, expanding, renovating, or occupying a facility; 44230

(c) The number of agreements about which the tax incentive 44231  
review council made recommendations to the legislative authority 44232  
of the municipal corporation or county, and the number of such 44233  
recommendations that have not been followed; 44234

(d) The number of agreements rescinded during the calendar 44235  
year for which the report is submitted. 44236

(4) The number of enterprises that are subject to agreements 44237  
and the number of new employees hired and existing employees 44238  
retained by each such enterprise; 44239

(5)(a) The number of enterprises that are subject to 44240  
agreements and that closed or reduced employment at any place of 44241

business within the state for the primary purpose of remediating 44242  
and establishing, expanding, renovating, or occupying a facility, 44243  
indicating separately for each such enterprise the political 44244  
subdivision in which the enterprise closed or reduced employment 44245  
at a place of business and the number of full-time employees 44246  
transferred and retained by each such place of business; 44247

(b) The number of enterprises that are subject to agreements 44248  
and that closed or reduced employment at any place of business 44249  
outside the state for the primary purpose of remediating and 44250  
establishing, expanding, renovating, or occupying a facility. 44251

(B) Upon the failure of a municipal corporation or county to 44252  
comply with division (A) of this section, both of the following 44253  
apply: 44254

(1) Beginning on the first day of April of the calendar year 44255  
in which the municipal corporation or county fails to comply with 44256  
that division, the municipal corporation or county shall not enter 44257  
into any agreements with an enterprise under section 5709.88 of 44258  
the Revised Code until the municipal corporation or county has 44259  
complied with division (A) of this section; 44260

(2) On the first day of each ensuing calendar month until the 44261  
municipal corporation or county complies with that division, the 44262  
director of development shall either order the proper county 44263  
auditor to deduct from the next succeeding payment of taxes to the 44264  
municipal corporation or county under section 321.31, 321.32, 44265  
321.33, or 321.34 of the Revised Code an amount equal to five 44266  
hundred dollars for each calendar month the municipal corporation 44267  
or county fails to comply with that division, or order the county 44268  
auditor to deduct such an amount from the next succeeding payment 44269  
to the municipal corporation or county from the undivided local 44270  
~~government~~ communities fund under section 5747.51 of the Revised 44271  
Code. At the time such a payment is made, the county auditor shall 44272  
comply with the director's order by issuing a warrant, drawn on 44273

the fund from which such money would have been paid, to the 44274  
director of development, who shall deposit the warrant into the 44275  
contaminated sites development program administration fund created 44276  
in division (C) of this section. 44277

(C) The director, by rule, shall establish the state's 44278  
application fee for applications submitted to a municipal 44279  
corporation or county to enter into an agreement under section 44280  
5709.88 of the Revised Code. In establishing the amount of the 44281  
fee, the director shall consider the state's cost of administering 44282  
this section and section 5709.88 of the Revised Code. The director 44283  
may change the amount of the fee at such times and in such 44284  
increments as ~~he~~ the director considers necessary. Any municipal 44285  
corporation or county that receives an application shall collect 44286  
the application fee and remit the fee for deposit in the state 44287  
treasury to the credit of the contaminated sites development 44288  
program administration fund, which is hereby created. Money 44289  
credited to the fund shall be used by the department of 44290  
development to pay the costs of administering this section and 44291  
section 5709.88 of the Revised Code. 44292

**Sec. 5715.36.** (A) Any expense incurred by the tax 44293  
commissioner as to the annual assessment of real property in any 44294  
taxing district shall be paid out of the treasury of the county in 44295  
which such district is located upon presentation of the order of 44296  
the commissioner certifying the amount thereof to the county 44297  
auditor, who shall thereupon issue ~~his~~ a warrant therefor upon the 44298  
general fund of the county and direct the warrant to the county 44299  
treasurer, who shall pay the same. All money paid out of the 44300  
county treasury under authority of this division and section 44301  
5703.30 of the Revised Code shall be charged against the proper 44302  
district, and amounts paid by the county shall be retained by the 44303  
auditor from funds due such district at the time of making the 44304  
semiannual distribution of taxes. 44305

(B) Any expense incurred by the board of tax appeals as to 44306  
the hearing of any appeal from a county budget commission with 44307  
respect to the allocation of the local government or local 44308  
communities fund or the county library and local government 44309  
support fund or county local libraries fund shall be paid out of 44310  
the treasury of the county involved upon presentation of the order 44311  
of the board certifying the amount thereof to the county auditor, 44312  
who shall thereupon issue ~~his~~ a warrant therefor upon the general 44313  
fund of the county and direct the warrant to the county treasurer, 44314  
who shall pay the same. At the time the local government or local 44315  
communities fund or the county library and local government 44316  
support fund or county local libraries fund is distributed, all 44317  
money which had been paid out of the county treasury for such 44318  
expenses shall be deducted by the county auditor from the fund 44319  
involved in the appeal. The amount so deducted by the county 44320  
auditor shall be forthwith returned to the general fund of the 44321  
county. 44322

(C) An amount equal to the sum of the expenses incurred by 44323  
the board of tax appeals as to any of the following shall be paid 44324  
out of the general fund of the county in which such property is 44325  
located upon presentation of the order of the board certifying the 44326  
amount thereof to the county auditor, who shall thereupon issue 44327  
~~his~~ a warrant therefor upon the general fund of the county and 44328  
direct the warrant to the county treasurer, who shall pay the 44329  
same: 44330

(1) The hearing of any appeal from a county board of revision 44331  
under section 5717.01 of the Revised Code; 44332

(2) An appeal from any finding, computation, determination, 44333  
or order of the tax commissioner made with respect to the 44334  
assessment or exemption of real property under division (B) of 44335  
section 5715.61 and section 5717.02 of the Revised Code. At the 44336  
time of each settlement of taxes under divisions (A) and (C) of 44337

section 321.24 of the Revised Code, there shall be deducted from 44338  
the taxes included in such settlement and paid into the county 44339  
general fund in the same manner as the fees allowed the county 44340  
treasurer on amounts included in such settlement, the amounts paid 44341  
out under this division since the preceding settlement. Each 44342  
deduction shall be apportioned among the taxing districts within 44343  
which the property that was the subject of the appeal is located 44344  
in proportion to their relative shares of their respective taxes 44345  
included in the settlement. 44346

**Sec. 5719.041.** If the payment of a general personal property 44347  
or classified property tax is not made on or before the last day 44348  
prescribed by section 5719.03 or 5719.031 of the Revised Code, an 44349  
interest charge shall begin to accrue and shall continue until all 44350  
charges are paid, except that no interest charge shall accrue for 44351  
or in the month in which such payment was due under such section 44352  
or under the circumstances and for the period described in 44353  
division (A)(2) of section 5711.33 of the Revised Code or upon 44354  
delinquent taxes that are the subject of a delinquent tax contract 44355  
entered into pursuant to section 5719.05 of the Revised Code. 44356

The interest charge shall accrue against the balance of such 44357  
taxes and any penalty thereon outstanding that remains unpaid on 44358  
the last day of each month and shall be at the rate per calendar 44359  
month, rounded to the nearest one-hundredth of one per cent, equal 44360  
to one-twelfth of the federal short-term rate determined by the 44361  
tax commissioner under section 5703.47 of the Revised Code for the 44362  
calendar year that includes the month for which the charge 44363  
accrues. The charge is payable in addition to the unpaid balance 44364  
of taxes and penalties on the day the charge accrues, unless the 44365  
entire balance is sooner paid. 44366

If a delinquent tax contract becomes void, interest shall be 44367  
charged on the day on which the contract becomes void in the 44368

amount that would have been charged had the delinquent tax 44369  
contract not been entered into and shall thereafter accrue as 44370  
provided in this section. 44371

Interest shall be allowed, at the same rate per calendar 44372  
month as is applicable that month for underpayments, on any 44373  
overpayment of the tax charged on a general personal property or a 44374  
classified property tax duplicate, from the first day of the month 44375  
following the date of the overpayment until the last day of the 44376  
month preceding the date of the refund of the overpayment. The 44377  
interest shall be paid from the fund or funds to which the 44378  
overpayment was credited. 44379

When the county treasurer makes the treasurer's annual 44380  
settlement with the county auditor under division (D) of section 44381  
321.24 of the Revised Code, the treasurer shall certify to the 44382  
auditor a list of all entries on the cumulative delinquent tax 44383  
duplicate that are at that time in the process of being paid in 44384  
installments under a valid delinquent tax contract. For each entry 44385  
that appears on the duplicate that is not on the certified list, 44386  
the auditor shall compute the full amount of interest charges 44387  
which have accrued against such entry since the preceding such 44388  
settlement was made and shall include such charges through the 44389  
last day of the month preceding the current settlement. The 44390  
auditor shall include such amounts on the tax list and duplicates 44391  
prepared by the auditor as prescribed in section 5719.04 of the 44392  
Revised Code unless the interest is less than one dollar, in which 44393  
case it shall not be added to such tax lists and duplicates. 44394

Before the county treasurer accepts any payment of taxes 44395  
against which there are accrued interest charges that do not 44396  
appear on the delinquent tax duplicate, the treasurer shall notify 44397  
the auditor who shall issue a certificate to the treasurer showing 44398  
the amount of such interest charges, and the treasurer shall 44399  
collect the amount shown on such certificate at the time of 44400

accepting payment of such taxes. If the amount of such interest 44401  
charges is less than one dollar, no such certificate shall be 44402  
issued. In the case of delinquent personal property taxes, the 44403  
interest shown on such certificate shall be credited to the 44404  
undivided general tax fund, and distributed in the same manner as 44405  
the delinquent taxes upon which the interest charges accrued. In 44406  
the case of delinquent classified property taxes, the interest 44407  
shown on such certificate shall be credited to the county ~~library~~ 44408  
~~and local government support libraries~~ fund and distributed in 44409  
accordance with section 5747.48 of the Revised Code. When the 44410  
payment of delinquent taxes is credited on the tax duplicate the 44411  
treasurer shall make a separate notation thereon indicating the 44412  
amount collected and the index number of the auditor's certificate 44413  
herein prescribed. 44414

**Sec. 5725.151.** (A) As used in this section, "certificate 44415  
owner" has the same meaning as in section 149.311 of the Revised 44416  
Code. 44417

(B) There is allowed a refundable credit against the tax 44418  
imposed by section 5707.03 and assessed under section 5725.15 of 44419  
the Revised Code for a dealer in intangibles subject to that tax 44420  
that is a certificate owner of a rehabilitation tax credit 44421  
certificate issued under section 149.311 of the Revised Code. The 44422  
credit shall equal twenty-five per cent of the dollar amount 44423  
indicated on the certificate. The credit shall be claimed in the 44424  
calendar year specified in the certificate. 44425

(C) A dealer in intangibles claiming a credit under this 44426  
section shall retain the rehabilitation tax credit certificate for 44427  
four years following the end of the year in which the credit was 44428  
claimed, and shall make the certificate available for inspection 44429  
by the tax commissioner upon the request of the tax commissioner 44430  
during that period. 44431

(D) For the purpose of division (C) of section 5725.24 of the Revised Code, reductions in the amount of taxes collected on account of credits allowed under this section shall be applied to reduce the amount credited to the general revenue fund and shall not be applied to reduce the amount to be credited to the undivided local ~~government~~ communities funds of the counties in which such taxes originate.

**Sec. 5725.24.** (A) As used in this section, "qualifying dealer" means a dealer in intangibles that is a qualifying dealer in intangibles as defined in section 5733.45 of the Revised Code or a member of a qualifying controlled group, as defined in section 5733.04 of the Revised Code, of which an insurance company also is a member on the first day of January of the year in and for which the tax imposed by section 5707.03 of the Revised Code is required to be paid by the dealer.

(B) The taxes levied by section 5725.18 of the Revised Code and collected pursuant to this chapter shall be paid into the state treasury to the credit of the general revenue fund.

(C) The taxes levied by section 5707.03 of the Revised Code on the value of shares in and capital employed by dealers in intangibles other than those that are qualifying dealers shall be for the use of the general revenue fund of the state and the local ~~government~~ communities funds of the several counties in which the taxes originate as provided in this division.

~~On or before the first day of~~ During each month ~~on~~ for which there is money in the state treasury for disbursement under this division, the tax commissioner shall provide for payment to the county treasurer of each county of five-eighths of the amount of the taxes collected on account of shares in and capital employed by dealers in intangibles other than those that are qualifying dealers, representing capital employed in the county. The balance

of the money received and credited on account of taxes assessed on 44463  
shares in and capital employed by such dealers in intangibles 44464  
shall be credited to the general revenue fund. 44465

Reductions in the amount of taxes collected on account of 44466  
credits allowed under section 5725.151 of the Revised Code shall 44467  
be applied to reduce the amount credited to the general revenue 44468  
fund and shall not be applied to reduce the amount to be credited 44469  
to the undivided local ~~government~~ communities funds of the 44470  
counties in which such taxes originate. 44471

For the purpose of this division, such taxes are deemed to 44472  
originate in the counties in which such dealers in intangibles 44473  
have their offices. 44474

Money received into the treasury of a county pursuant to this 44475  
section shall be credited to the undivided local ~~government~~ 44476  
communities fund of the county and shall be distributed by the 44477  
budget commission as provided by law. 44478

(D) All of the taxes levied under section 5707.03 of the 44479  
Revised Code on the value of the shares in and capital employed by 44480  
dealers in intangibles that are qualifying dealers shall be paid 44481  
into the state treasury to the credit of the general revenue fund. 44482

**Sec. 5727.45.** ~~Four and two tenths~~ One hundred per cent of all 44483  
excise taxes and penalties collected under sections 5727.01 to 44484  
5727.62 of the Revised Code shall be credited to ~~the local~~ 44485  
~~government fund for distribution in accordance with section~~ 44486  
~~5747.50 of the Revised Code, six tenths of one per cent shall be~~ 44487  
~~credited to the local government revenue assistance fund for~~ 44488  
~~distribution in accordance with section 5747.61 of the Revised~~ 44489  
~~Code, and ninety five and two tenths per cent shall be credited to~~ 44490  
the general revenue fund. 44491

**Sec. 5727.81.** (A) For the purpose of raising revenue for 44492

public education and state and local government operations, an 44493  
excise tax is hereby levied and imposed on an electric 44494  
distribution company for all electricity distributed by such 44495  
company ~~beginning with the measurement period that includes May 1,~~ 44496  
~~2001,~~ at the following rates per kilowatt hour of electricity 44497  
distributed in a thirty-day period by the company through a meter 44498  
of an end user in this state: 44499

KILOWATT HOURS DISTRIBUTED	RATE PER	
TO AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	44502
For the next 2,001 to 15,000	\$.00419	44503
For 15,001 and above	\$.00363	44504

If no meter is used to measure the kilowatt hours of 44505  
electricity distributed by the company, the rates shall apply to 44506  
the estimated kilowatt hours of electricity distributed to an 44507  
unmetered location in this state. 44508

The electric distribution company shall base the monthly tax 44509  
on the kilowatt hours of electricity distributed to an end user 44510  
through the meter of the end user that is not measured for a 44511  
thirty-day period by dividing the days in the measurement period 44512  
into the total kilowatt hours measured during the measurement 44513  
period to obtain a daily average usage. The tax shall be 44514  
determined by obtaining the sum of divisions (A)(1), (2), and (3) 44515  
of this section and multiplying that amount by the number of days 44516  
in the measurement period: 44517

(1) Multiplying \$0.00465 per kilowatt hour for the first 44518  
sixty-seven kilowatt hours distributed using a daily average; 44519

(2) Multiplying \$0.00419 for the next sixty-eight to five 44520  
hundred kilowatt hours distributed using a daily average; 44521

(3) Multiplying \$0.00363 for the remaining kilowatt hours 44522  
distributed using a daily average. 44523

~~Until January 1, 2003, except as provided in division (C) of~~ 44524  
~~this section, the electric distribution company shall pay the tax~~ 44525  
~~to the treasurer of state in accordance with section 5727.82 of~~ 44526  
~~the Revised Code. Beginning January 1, 2003, except~~ Except as 44527  
provided in division (C) of this section, the electric 44528  
distribution company shall pay the tax to the tax commissioner in 44529  
accordance with section 5727.82 of the Revised Code, unless 44530  
required to remit each tax payment by electronic funds transfer to 44531  
the treasurer of state in accordance with section 5727.83 of the 44532  
Revised Code. 44533

Only the distribution of electricity through a meter of an 44534  
end user in this state shall be used by the electric distribution 44535  
company to compute the amount or estimated amount of tax due. In 44536  
the event a meter is not actually read for a measurement period, 44537  
the estimated kilowatt hours distributed by an electric 44538  
distribution company to bill for its distribution charges shall be 44539  
used. 44540

(B) Except as provided in division (C) of this section, each 44541  
electric distribution company shall pay the tax imposed by this 44542  
section in all of the following circumstances: 44543

(1) The electricity is distributed by the company through a 44544  
meter of an end user in this state; 44545

(2) The company is distributing electricity through a meter 44546  
located in another state, but the electricity is consumed in this 44547  
state in the manner prescribed by the tax commissioner; 44548

(3) The company is distributing electricity in this state 44549  
without the use of a meter, but the electricity is consumed in 44550  
this state as estimated and in the manner prescribed by the tax 44551  
commissioner. 44552

(C)(1) As used in division (C) of this section: 44553

(a) "Total price of electricity" means the aggregate value in 44554

money of anything paid or transferred, or promised to be paid or 44555  
transferred, to obtain electricity or electric service, including 44556  
but not limited to the value paid or promised to be paid for the 44557  
transmission or distribution of electricity and for transition 44558  
costs as described in Chapter 4928. of the Revised Code. 44559

(b) "Package" means the provision or the acquisition, at a 44560  
combined price, of electricity with other services or products, or 44561  
any combination thereof, such as natural gas or other fuels; 44562  
energy management products, software, and services; machinery and 44563  
equipment acquisition; and financing agreements. 44564

(c) "Single location" means a facility located on contiguous 44565  
property separated only by a roadway, railway, or waterway. 44566

(2) Division (C) of this section applies to any commercial or 44567  
industrial purchaser's receipt of electricity through a meter of 44568  
an end user in this state or through more than one meter at a 44569  
single location in this state in a quantity that exceeds 44570  
forty-five million kilowatt hours of electricity over the course 44571  
of the preceding calendar year, or any commercial or industrial 44572  
purchaser that will consume more than forty-five million kilowatt 44573  
hours of electricity over the course of the succeeding twelve 44574  
months as estimated by the tax commissioner. The tax commissioner 44575  
shall make such an estimate upon the written request by an 44576  
applicant for registration as a self-assessing purchaser under 44577  
this division. Such a purchaser may elect to self-assess the 44578  
excise tax imposed by this section at the rate of \$.00075 per 44579  
kilowatt hour on the first five hundred four million kilowatt 44580  
hours distributed to that meter or location during the 44581  
registration year, and ~~four per cent~~ a percentage of the total 44582  
price of all electricity distributed to that meter or location 44583  
equal to four per cent through June 30, 2008, and three and 44584  
one-half per cent for July 1, 2008, and thereafter. A qualified 44585  
end user that receives electricity through a meter of an end user 44586

in this state or through more than one meter at a single location 44587  
in this state and that consumes, over the course of the previous 44588  
calendar year, more than forty-five million kilowatt hours in 44589  
other than its qualifying manufacturing process, may elect to 44590  
self-assess the tax as allowed by this division with respect to 44591  
the electricity used in other than its qualifying manufacturing 44592  
process. ~~Until January 1, 2003, payment of the tax shall be made~~ 44593  
~~directly to the treasurer of state in accordance with divisions~~ 44594  
~~(A)(4) and (5) of section 5727.82 of the Revised Code. Beginning~~ 44595  
~~January 1, 2003, payment~~ 44596

Payment of the tax shall be made directly to the tax 44597  
commissioner in accordance with divisions (A)(4) and (5) of 44598  
section 5727.82 of the Revised Code, or the treasurer of state in 44599  
accordance with section 5727.83 of the Revised Code. If the 44600  
electric distribution company serving the self-assessing purchaser 44601  
is a municipal electric utility and the purchaser is within the 44602  
municipal corporation's corporate limits, payment shall be made to 44603  
such municipal corporation's general fund and reports shall be 44604  
filed in accordance with divisions (A)(4) and (5) of section 44605  
5727.82 of the Revised Code, except that "municipal corporation" 44606  
shall be substituted for "treasurer of state" and "tax 44607  
commissioner." A self-assessing purchaser that pays the excise tax 44608  
as provided in this division shall not be required to pay the tax 44609  
to the electric distribution company from which its electricity is 44610  
distributed. If a self-assessing purchaser's receipt of 44611  
electricity is not subject to the tax as measured under this 44612  
division, the tax on the receipt of such electricity shall be 44613  
measured and paid as provided in division (A) of this section. 44614

(3) In the case of the acquisition of a package, unless the 44615  
elements of the package are separately stated isolating the total 44616  
price of electricity from the price of the remaining elements of 44617  
the package, the tax imposed under this section applies to the 44618

entire price of the package. If the elements of the package are 44619  
separately stated, the tax imposed under this section applies to 44620  
the total price of the electricity. 44621

(4) Any electric supplier that sells electricity as part of a 44622  
package shall separately state to the purchaser the total price of 44623  
the electricity and, upon request by the tax commissioner, the 44624  
total price of each of the other elements of the package. 44625

(5) The tax commissioner may adopt rules relating to the 44626  
computation of the total price of electricity with respect to 44627  
self-assessing purchasers, which may include rules to establish 44628  
the total price of electricity purchased as part of a package. 44629

(6) An annual application for registration as a 44630  
self-assessing purchaser shall be made for each qualifying meter 44631  
or location on a form prescribed by the tax commissioner. The 44632  
registration year begins on the first day of May and ends on the 44633  
following thirtieth day of April. Persons may apply after the 44634  
first day of May for the remainder of the registration year. In 44635  
the case of an applicant applying on the basis of an estimated 44636  
consumption of forty-five million kilowatt hours over the course 44637  
of the succeeding twelve months, the applicant shall provide such 44638  
information as the tax commissioner considers to be necessary to 44639  
estimate such consumption. At the time of making the application 44640  
and by the first day of May of each year, ~~excluding May 1, 2000,~~ a 44641  
self-assessing purchaser shall pay a fee of five hundred dollars 44642  
to the tax commissioner, or to the treasurer of state as provided 44643  
in section 5727.83 of the Revised Code, for each qualifying meter 44644  
or location. The tax commissioner shall immediately pay to the 44645  
treasurer of state all amounts that the tax commissioner receives 44646  
under this section. The treasurer of state shall deposit such 44647  
amounts into the kilowatt hour excise tax administration fund, 44648  
which is hereby created in the state treasury. Money in the fund 44649  
shall be used to defray the tax commissioner's cost in 44650

administering the tax owed under section 5727.81 of the Revised Code by self-assessing purchasers. After the application is approved by the tax commissioner, the registration shall remain in effect for the current registration year, or until canceled by the registrant upon written notification to the commissioner of the election to pay the tax in accordance with division (A) of this section, or until canceled by the tax commissioner for not paying the tax or fee under division (C) of this section or for not meeting the qualifications in division (C)(2) of this section. The tax commissioner shall give written notice to the electric distribution company from which electricity is delivered to a self-assessing purchaser of the purchaser's self-assessing status, and the electric distribution company is relieved of the obligation to pay the tax imposed by division (A) of this section for electricity distributed to that self-assessing purchaser until it is notified by the tax commissioner that the self-assessing purchaser's registration is canceled. Within fifteen days of notification of the canceled registration, the electric distribution company shall be responsible for payment of the tax imposed by division (A) of this section on electricity distributed to a purchaser that is no longer registered as a self-assessing purchaser. A self-assessing purchaser with a canceled registration must file a report and remit the tax imposed by division (A) of this section on all electricity it receives for any measurement period prior to the tax being reported and paid by the electric distribution company. A self-assessing purchaser whose registration is canceled by the tax commissioner is not eligible to register as a self-assessing purchaser for two years after the registration is canceled.

(7) If the tax commissioner cancels the self-assessing registration of a purchaser registered on the basis of its estimated consumption because the purchaser does not consume at least forty-five million kilowatt hours of electricity over the

course of the twelve-month period for which the estimate was made, 44684  
the tax commissioner shall assess and collect from the purchaser 44685  
the difference between (a) the amount of tax that would have been 44686  
payable under division (A) of this section on the electricity 44687  
distributed to the purchaser during that period and (b) the amount 44688  
of tax paid by the purchaser on such electricity pursuant to 44689  
division (C)(2)(a) of this section. The assessment shall be paid 44690  
within sixty days after the tax commissioner issues it, regardless 44691  
of whether the purchaser files a petition for reassessment under 44692  
section 5727.89 of the Revised Code covering that period. If the 44693  
purchaser does not pay the assessment within the time prescribed, 44694  
the amount assessed is subject to the additional charge and the 44695  
interest prescribed by divisions (B) and (C) of section 5727.82 of 44696  
the Revised Code, and is subject to assessment under section 44697  
5727.89 of the Revised Code. If the purchaser is a qualified end 44698  
user, division (C)(7) of this section applies only to electricity 44699  
it consumes in other than its qualifying manufacturing process. 44700

(D) The tax imposed by this section does not apply to the 44701  
distribution of any kilowatt hours of electricity to the federal 44702  
government, to an end user located at a federal facility that uses 44703  
electricity for the enrichment of uranium, to a qualified 44704  
regeneration meter, or to an end user for any day the end user is 44705  
a qualified end user. The exemption under this division for a 44706  
qualified end user only applies to the manufacturing location 44707  
where the qualified end user uses more than three million kilowatt 44708  
hours per day in a qualifying manufacturing process. 44709

**Sec. 5727.84.** (A) As used in this section and sections 44710  
5727.85, 5727.86, and 5727.87 of the Revised Code: 44711

(1) "School district" means a city, local, or exempted 44712  
village school district. 44713

(2) "Joint vocational school district" means a joint 44714

vocational school district created under section 3311.16 of the 44715  
Revised Code, and includes a cooperative education school district 44716  
created under section 3311.52 or 3311.521 of the Revised Code and 44717  
a county school financing district created under section 3311.50 44718  
of the Revised Code. 44719

(3) "Local taxing unit" means a subdivision or taxing unit, 44720  
as defined in section 5705.01 of the Revised Code, a park district 44721  
created under Chapter 1545. of the Revised Code, or a township 44722  
park district established under section 511.23 of the Revised 44723  
Code, but excludes school districts and joint vocational school 44724  
districts. 44725

(4) "State education aid," for a school district, means the 44726  
sum of state aid amounts computed for the district under divisions 44727  
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 44728  
divisions (B), (C), and (D) of section 3317.023; divisions (G), 44729  
(L), and (N) of section 3317.024; and sections 3317.029, 44730  
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 44731  
the Revised Code; and the adjustments required by: division (C) of 44732  
section 3310.08; division (C) of section 3314.08; division (D) of 44733  
section 3314.13; divisions (E), (K), (L), (M), (N), and (O) of 44734  
section 3317.023; division (C) of section 3317.20; and sections 44735  
3313.979 and 3313.981 of the Revised Code. However, when 44736  
calculating state education aid for a school district for fiscal 44737  
years ~~2006~~ 2008 and ~~2007~~ 2009, include the amount computed for the 44738  
district under Section ~~206.09.21~~ 269.20.80 of ~~Am. Sub. H.B. 66~~ 119 44739  
of the ~~126th~~ 127th general assembly, as subsequently amended, 44740  
instead of division (D) of section 3317.022 of the Revised Code; 44741  
include amounts calculated under Section ~~206.09.39~~ 269.30.80 of 44742  
~~that~~ this act, as subsequently amended; and account for 44743  
adjustments under division (C)(2) of section 3310.41 of the 44744  
Revised Code. 44745

(5) "State education aid," for a joint vocational school 44746

district, means the sum of the state aid amounts computed for the 44747  
district under division (N) of section 3317.024 and section 44748  
3317.16 of the Revised Code. However, when calculating state 44749  
education aid for a joint vocational school district for fiscal 44750  
years ~~2006~~ 2008 and ~~2007~~ 2009, include the amount computed for the 44751  
district under Section ~~206.09.42~~ 269.30.90 of ~~Am. Sub. H.B. 66~~ 119 44752  
of the ~~126th~~ 127th general assembly, as subsequently amended. 44753

(6) "State education aid offset" means the amount determined 44754  
for each school district or joint vocational school district under 44755  
division (A)(1) of section 5727.85 of the Revised Code. 44756

(7) "Recognized valuation" has the same meaning as in section 44757  
3317.02 of the Revised Code. 44758

(8) "Electric company tax value loss" means the amount 44759  
determined under division (D) of this section. 44760

(9) "Natural gas company tax value loss" means the amount 44761  
determined under division (E) of this section. 44762

(10) "Tax value loss" means the sum of the electric company 44763  
tax value loss and the natural gas company tax value loss. 44764

(11) "Fixed-rate levy" means any tax levied on property other 44765  
than a fixed-sum levy. 44766

(12) "Fixed-rate levy loss" means the amount determined under 44767  
division (G) of this section. 44768

(13) "Fixed-sum levy" means a tax levied on property at 44769  
whatever rate is required to produce a specified amount of tax 44770  
money or levied in excess of the ten-mill limitation to pay debt 44771  
charges, and includes school district emergency levies imposed 44772  
pursuant to section 5705.194 of the Revised Code. 44773

(14) "Fixed-sum levy loss" means the amount determined under 44774  
division (H) of this section. 44775

(15) "Consumer price index" means the consumer price index 44776

(all items, all urban consumers) prepared by the bureau of labor 44777  
statistics of the United States department of labor. 44778

(B) The kilowatt-hour tax receipts fund is hereby created in 44779  
the state treasury and shall consist of money arising from the tax 44780  
imposed by section 5727.81 of the Revised Code. All money in the 44781  
kilowatt-hour tax receipts fund shall be credited as follows: 44782

~~(1) Fifty-nine and nine hundred seventy-six one thousandths~~ 44783  
~~Sixty-three~~ per cent, shall be credited to the general revenue 44784  
fund. 44785

~~(2) Two and six hundred forty-six one thousandths per cent~~ 44786  
~~shall be credited to the local government fund, for distribution~~ 44787  
~~in accordance with section 5747.50 of the Revised Code.~~ 44788

~~(3) Three hundred seventy-eight one thousandths per cent~~ 44789  
~~shall be credited to the local government revenue assistance fund,~~ 44790  
~~for distribution in accordance with section 5747.61 of the Revised~~ 44791  
~~Code.~~ 44792

~~(4)~~ Twenty-five and four-tenths per cent shall be credited to 44793  
the school district property tax replacement fund, which is hereby 44794  
created in the state treasury for the purpose of making the 44795  
payments described in section 5727.85 of the Revised Code. 44796

~~(5)~~(3) Eleven and six-tenths per cent shall be credited to 44797  
the local government property tax replacement fund, which is 44798  
hereby created in the state treasury for the purpose of making the 44799  
payments described in section 5727.86 of the Revised Code. 44800

(C) The natural gas tax receipts fund is hereby created in 44801  
the state treasury and shall consist of money arising from the tax 44802  
imposed by section 5727.811 of the Revised Code. All money in the 44803  
fund shall be credited as follows: 44804

(1) Sixty-eight and seven-tenths per cent shall be credited 44805  
to the school district property tax replacement fund for the 44806

purpose of making the payments described in section 5727.85 of the Revised Code. 44807  
44808

(2) Thirty-one and three-tenths per cent shall be credited to the local government property tax replacement fund for the purpose of making the payments described in section 5727.86 of the Revised Code. 44809  
44810  
44811  
44812

(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to (3) of this section: 44813  
44814  
44815  
44816

(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section. 44817  
44818  
44819

(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998; 44820  
44821  
44822  
44823  
44824

(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for 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. 44825  
44826  
44827  
44828  
44829

(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. 44830  
44831  
44832

(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; 44833  
44834  
44835  
44836  
44837

(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.

(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:

(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.

(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 44869  
a preliminary assessment, or an amended preliminary assessment if 44870  
issued prior to March 1, 2000, and apportioned to the taxing 44871  
district for tax year 1999; 44872

(b) The value of all natural gas company tangible personal 44873  
property, other than property described in division (E)(2) of this 44874  
section, as assessed by the tax commissioner for tax year 1999 had 44875  
the property been apportioned to the taxing district for tax year 44876  
2001, and assessed at the rates in effect for tax year 2001. 44877

(2) The difference in the value of current gas obtained by 44878  
subtracting the amount described in division (E)(2)(b) from the 44879  
amount described in division (E)(2)(a) of this section. 44880

(a) The three-year average assessed value of current gas as 44881  
assessed by the tax commissioner for tax years 1997, 1998, and 44882  
1999 on a preliminary assessment, or an amended preliminary 44883  
assessment if issued prior to March 1, 2001, and as apportioned in 44884  
the taxing district for those respective years; 44885

(b) The three-year average assessed value from current gas 44886  
under division (E)(2)(a) of this section for tax years 1997, 1998, 44887  
and 1999, as reflected in the preliminary assessment, using an 44888  
assessment rate of twenty-five per cent. 44889

(F) The tax commissioner may request that natural gas 44890  
companies, electric companies, and rural electric companies file a 44891  
report to help determine the tax value loss under divisions (D) 44892  
and (E) of this section. The report shall be filed within thirty 44893  
days of the commissioner's request. A company that fails to file 44894  
the report or does not timely file the report is subject to the 44895  
penalty in section 5727.60 of the Revised Code. 44896

(G) Not later than January 1, 2002, the tax commissioner 44897  
shall determine for each school district, joint vocational school 44898  
district, and local taxing unit its fixed-rate levy loss, which is 44899

the sum of its electric company tax value loss multiplied by the 44900  
tax rate in effect in tax year 1998 for fixed-rate levies and its 44901  
natural gas company tax value loss multiplied by the tax rate in 44902  
effect in tax year 1999 for fixed-rate levies. 44903

(H) Not later than January 1, 2002, the tax commissioner 44904  
shall determine for each school district, joint vocational school 44905  
district, and local taxing unit its fixed-sum levy loss, which is 44906  
the amount obtained by subtracting the amount described in 44907  
division (H)(2) of this section from the amount described in 44908  
division (H)(1) of this section: 44909

(1) The sum of the electric company tax value loss multiplied 44910  
by the tax rate in effect in tax year 1998, and the natural gas 44911  
company tax value loss multiplied by the tax rate in effect in tax 44912  
year 1999, for fixed-sum levies for all taxing districts within 44913  
each school district, joint vocational school district, and local 44914  
taxing unit. For the years 2002 through 2006, this computation 44915  
shall include school district emergency levies that existed in 44916  
1998 in the case of the electric company tax value loss, and 1999 44917  
in the case of the natural gas company tax value loss, and all 44918  
other fixed-sum levies that existed in 1998 in the case of the 44919  
electric company tax value loss and 1999 in the case of the 44920  
natural gas company tax value loss and continue to be charged in 44921  
the tax year preceding the distribution year. For the years 2007 44922  
through 2016 in the case of school district emergency levies, and 44923  
for all years after 2006 in the case of all other fixed-sum 44924  
levies, this computation shall exclude all fixed-sum levies that 44925  
existed in 1998 in the case of the electric company tax value loss 44926  
and 1999 in the case of the natural gas company tax value loss, 44927  
but are no longer in effect in the tax year preceding the 44928  
distribution year. For the purposes of this section, an emergency 44929  
levy that existed in 1998 in the case of the electric company tax 44930  
value loss, and 1999 in the case of the natural gas company tax 44931

value loss, continues to exist in a year beginning on or after 44932  
January 1, 2007, but before January 1, 2017, if, in that year, the 44933  
board of education levies a school district emergency levy for an 44934  
annual sum at least equal to the annual sum levied by the board in 44935  
tax year 1998 or 1999, respectively, less the amount of the 44936  
payment certified under this division for 2002. 44937

(2) The total taxable value in tax year 1999 less the tax 44938  
value loss in each school district, joint vocational school 44939  
district, and local taxing unit multiplied by one-fourth of one 44940  
mill. 44941

If the amount computed under division (H) of this section for 44942  
any school district, joint vocational school district, or local 44943  
taxing unit is greater than zero, that amount shall equal the 44944  
fixed-sum levy loss reimbursed pursuant to division (E) of section 44945  
5727.85 of the Revised Code or division (A)(2) of section 5727.86 44946  
of the Revised Code, and the one-fourth of one mill that is 44947  
subtracted under division (H)(2) of this section shall be 44948  
apportioned among all contributing fixed-sum levies in the 44949  
proportion of each levy to the sum of all fixed-sum levies within 44950  
each school district, joint vocational school district, or local 44951  
taxing unit. 44952

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 44953  
section, in computing the tax value loss, fixed-rate levy loss, 44954  
and fixed-sum levy loss, the tax commissioner shall use the 44955  
greater of the 1998 tax rate or the 1999 tax rate in the case of 44956  
levy losses associated with the electric company tax value loss, 44957  
but the 1999 tax rate shall not include for this purpose any tax 44958  
levy approved by the voters after June 30, 1999, and the tax 44959  
commissioner shall use the greater of the 1999 or the 2000 tax 44960  
rate in the case of levy losses associated with the natural gas 44961  
company tax value loss. 44962

(J) Not later than January 1, 2002, the tax commissioner 44963

shall certify to the department of education the tax value loss 44964  
determined under divisions (D) and (E) of this section for each 44965  
taxing district, the fixed-rate levy loss calculated under 44966  
division (G) of this section, and the fixed-sum levy loss 44967  
calculated under division (H) of this section. The calculations 44968  
under divisions (G) and (H) of this section shall separately 44969  
display the levy loss for each levy eligible for reimbursement. 44970

(K) Not later than September 1, 2001, the tax commissioner 44971  
shall certify the amount of the fixed-sum levy loss to the county 44972  
auditor of each county in which a school district with a fixed-sum 44973  
levy loss has territory. 44974

**Sec. 5727.85.** (A) By the thirty-first day of July of each 44975  
year, beginning in 2002 and ending in 2016, the department of 44976  
education shall determine the following for each school district 44977  
and each joint vocational school district eligible for payment 44978  
under division (C) or (D) of this section: 44979

(1) The state education aid offset, which is the difference 44980  
obtained by subtracting the amount described in division (A)(1)(b) 44981  
of this section from the amount described in division (A)(1)(a) of 44982  
this section: 44983

(a) The state education aid computed for the school district 44984  
or joint vocational school district for the current fiscal year as 44985  
of the thirty-first day of July; 44986

(b) The state education aid that would be computed for the 44987  
school district or joint vocational school district for the 44988  
current fiscal year as of the thirty-first day of July if the 44989  
recognized valuation included the tax value loss for the school 44990  
district or joint vocational school district. 44991

(2) The greater of zero or the difference obtained by 44992  
subtracting the state education aid offset determined under 44993

division (A)(1) of this section from the fixed-rate levy loss 44994  
certified under division (J) of section 5727.84 of the Revised 44995  
Code for all taxing districts in each school district and joint 44996  
vocational school district. 44997

By the fifth day of August of each such year, the department 44998  
of education shall certify the amount so determined under division 44999  
(A)(1) of this section to the director of budget and management. 45000

(B) Not later than the thirty-first day of October of the 45001  
years 2006 through 2016, the department of education shall 45002  
determine all of the following for each school district: 45003

(1) The amount obtained by subtracting the district's state 45004  
education aid computed for fiscal year 2002 from the district's 45005  
state education aid computed for the current fiscal year; 45006

(2) The inflation-adjusted property tax loss. The 45007  
inflation-adjusted property tax loss equals the fixed-rate levy 45008  
loss, excluding the tax loss from levies within the ten-mill 45009  
limitation to pay debt charges, determined under division (G) of 45010  
section 5727.84 of the Revised Code for all taxing districts in 45011  
each school district, plus the product obtained by multiplying 45012  
that loss by the cumulative percentage increase in the consumer 45013  
price index from January 1, 2002, to the thirtieth day of June of 45014  
the current year. 45015

(3) The difference obtained by subtracting the amount 45016  
computed under division (B)(1) from the amount of the 45017  
inflation-adjusted property tax loss. If this difference is zero 45018  
or a negative number, no further payments shall be made under 45019  
division (C) of this section to the school district from the 45020  
school district property tax replacement fund. 45021

(C) The department of education shall pay from the school 45022  
district property tax replacement fund to each school district all 45023  
of the following: 45024

(1) In February 2002, one-half of the fixed-rate levy loss 45025  
certified under division (J) of section 5727.84 of the Revised 45026  
Code between the twenty-first and twenty-eighth days of February. 45027

(2) From August 2002 through August 2017, one-half of the 45028  
amount calculated for that fiscal year under division (A)(2) of 45029  
this section between the twenty-first and twenty-eighth days of 45030  
August and of February, provided the difference computed under 45031  
division (B)(3) of this section is not less than or equal to zero. 45032

For taxes levied within the ten-mill limitation for debt 45033  
purposes in tax year 1998 in the case of electric company tax 45034  
value losses, and in tax year 1999 in the case of natural gas 45035  
company tax value losses, payments shall be made equal to one 45036  
hundred per cent of the loss computed as if the tax were a 45037  
fixed-rate levy, but those payments shall extend from fiscal year 45038  
2006 through fiscal year 2016. 45039

The department of education shall report to each school 45040  
district the apportionment of the payments among the school 45041  
district's funds based on the certifications under division (J) of 45042  
section 5727.84 of the Revised Code. 45043

(D) Not later than January 1, 2002, for all taxing districts 45044  
in each joint vocational school district, the tax commissioner 45045  
shall certify to the department of education the fixed-rate levy 45046  
loss determined under division (G) of section 5727.84 of the 45047  
Revised Code. From February 2002 to August 2016, the department 45048  
shall pay from the school district property tax replacement fund 45049  
to the joint vocational school district one-half of the amount 45050  
calculated for that fiscal year under division (A)(2) of this 45051  
section between the twenty-first and twenty-eighth days of August 45052  
and of February. 45053

(E)(1) Not later than January 1, 2002, for each fixed-sum 45054  
levy levied by each school district or joint vocational school 45055

district and for each year for which a determination is made under 45056  
division (H) of section 5727.84 of the Revised Code that a 45057  
fixed-sum levy loss is to be reimbursed, the tax commissioner 45058  
shall certify to the department of education the fixed-sum levy 45059  
loss determined under that division. The certification shall cover 45060  
a time period sufficient to include all fixed-sum levies for which 45061  
the tax commissioner made such a determination. The department 45062  
shall pay from the school district property tax replacement fund 45063  
to the school district or joint vocational school district 45064  
one-half of the fixed-sum levy loss so certified for each year 45065  
between the twenty-first and twenty-eighth days of August and of 45066  
February. 45067

(2) Beginning in 2003, by the thirty-first day of January of 45068  
each year, the tax commissioner shall review the certification 45069  
originally made under division (E)(1) of this section. If the 45070  
commissioner determines that a debt levy that had been scheduled 45071  
to be reimbursed in the current year has expired, a revised 45072  
certification for that and all subsequent years shall be made to 45073  
the department of education. 45074

(F) If the balance of the half-mill equalization fund created 45075  
under section 3318.18 of the Revised Code is insufficient to make 45076  
the full amount of payments required under division (D) of that 45077  
section, the department of education, at the end of the third 45078  
quarter of the fiscal year, shall certify to the director of 45079  
budget and management the amount of the deficiency, and the 45080  
director shall transfer an amount equal to the deficiency from the 45081  
school district property tax replacement fund to the half-mill 45082  
equalization fund. 45083

(G) Beginning in August 2002, and ending in May 2017, the 45084  
director of budget and management shall transfer from the school 45085  
district property tax replacement fund to the general revenue fund 45086  
each of the following: 45087

(1) Between the twenty-eighth day of August and the fifth day of September, the lesser of one-half of the amount certified for that fiscal year under division (A)(2) of this section or the balance in the school district property tax replacement fund;

(2) Between the first and fifth days of May, the lesser of one-half of the amount certified for that fiscal year under division (A)(2) of this section or the balance in the school district property tax replacement fund.

(H) On the first day of June each year, the director of budget and management shall transfer any balance remaining in the school district property tax replacement fund after the payments have been made under divisions (C), (D), (E), (F), and (G) of this section to the half-mill equalization fund created under section 3318.18 of the Revised Code to the extent required to make any payments in the current fiscal year under that section, and shall transfer the remaining balance to the general revenue fund.

(I) From fiscal year 2002 through fiscal year 2016, if the total amount in the school district property tax replacement fund is insufficient to make all payments under divisions (C), (D), (E), and (F) of this section at the time the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district property tax replacement fund the difference between the total amount to be 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 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 an existing or new

district, the department of education, in consultation with the 45120  
tax commissioner, shall adjust the payments made under this 45121  
section as follows: 45122

(1) For the merger of all of the territory of two or more 45123  
districts, the fixed-rate levy loss and the fixed-sum levy loss of 45124  
the successor district shall be equal to the sum of the fixed-rate 45125  
levy losses and the fixed-sum levy losses for each of the 45126  
districts involved in the merger. 45127

(2) For the transfer of a part of one district's territory to 45128  
an existing district, the amount of the fixed-rate levy loss that 45129  
is transferred to the recipient district shall be an amount equal 45130  
to the transferring district's total fixed-rate levy loss times a 45131  
fraction, the numerator of which is the value of electric company 45132  
tangible personal property located in the part of the territory 45133  
that was transferred, and the denominator of which is the total 45134  
value of electric company tangible personal property located in 45135  
the entire district from which the territory was transferred. The 45136  
value of electric company tangible personal property under this 45137  
division shall be determined for the most recent year for which 45138  
data is available. Fixed-sum levy losses for both districts shall 45139  
be determined under division (J)(4) of this section. 45140

(3) For the transfer of a part of the territory of one or 45141  
more districts to create a new district: 45142

(a) If the new district is created on or after January 1, 45143  
2000, but before January 1, 2005, the new district shall be paid 45144  
its current fixed-rate levy loss through August ~~2008~~ 2009. From 45145  
February ~~2009~~ 2010 to August 2016, the new district shall be paid 45146  
the lesser of: (i) the amount calculated under division (C)(2) of 45147  
this section or (ii) an amount equal to the new district's 45148  
fixed-rate levy loss multiplied by the percentage prescribed by 45149  
the following schedule: 45150

YEAR	PERCENTAGE	
		45151
<del>2009</del>	75%	45152
2010	70%	45153
2011	70%	45154
2012	60%	45155
2013	50%	45156
2014	40%	45157
2015	24%	45158
2016	11.5%	45159
2017 and thereafter	0%	45160

Fixed-sum levy losses for the districts shall be determined 45161  
under division (J)(4) of this section. 45162

(b) If the new district is created on or after January 1, 45163  
2005, the new district shall be deemed not to have any fixed-rate 45164  
levy loss or, except as provided in division (J)(4) of this 45165  
section, fixed-sum levy loss. The district or districts from which 45166  
the territory was transferred shall have no reduction in their 45167  
fixed-rate levy loss, or, except as provided in division (J)(4) of 45168  
this section, their fixed-sum levy loss. 45169

(4) If a recipient district under division (J)(2) of this 45170  
section or a new district under division (J)(3)(a) or (b) of this 45171  
section takes on debt from one or more of the districts from which 45172  
territory was transferred, and any of the districts transferring 45173  
the territory had fixed-sum levy losses, the department of 45174  
education, in consultation with the tax commissioner, shall make 45175  
an equitable division of the fixed-sum levy losses. 45176

(K) There is hereby created the public utility property tax 45177  
study committee, effective January 1, 2011. The committee shall 45178  
consist of the following seven members: the tax commissioner, 45179  
three members of the senate appointed by the president of the 45180  
senate, and three members of the house of representatives 45181  
appointed by the speaker of the house of representatives. The 45182

appointments shall be made not later than January 31, 2011. The 45183  
tax commissioner shall be the chairperson of the committee. 45184

The committee shall study the extent to which each school 45185  
district or joint vocational school district has been compensated, 45186  
under sections 5727.84 and 5727.85 of the Revised Code as enacted 45187  
by Substitute Senate Bill No. 3 of the 123rd general assembly and 45188  
any subsequent acts, for the property tax loss caused by the 45189  
reduction in the assessment rates for natural gas, electric, and 45190  
rural electric company tangible personal property. Not later than 45191  
June 30, 2011, the committee shall issue a report of its findings, 45192  
including any recommendations for providing additional 45193  
compensation for the property tax loss or regarding remedial 45194  
legislation, to the president of the senate and the speaker of the 45195  
house of representatives, at which time the committee shall cease 45196  
to exist. 45197

The department of taxation and department of education shall 45198  
provide such information and assistance as is required for the 45199  
committee to carry out its duties. 45200

**Sec. 5727.87.** (A) As used in this section: 45201

(1) "Administrative fees" means the dollar percentages 45202  
allowed by the county auditor for services or by the county 45203  
treasurer as fees, or paid to the credit of the real estate 45204  
assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 45205  
and division (A) of section 321.26 of the Revised Code. 45206

(2) "Administrative fee loss" means a county's loss of 45207  
administrative fees due to its tax value loss, determined as 45208  
follows: 45209

(a) For purposes of the determination made under division (B) 45210  
of this section in the years 2002 through 2006, the administrative 45211  
fee loss shall be computed by multiplying the amounts determined 45212

for all taxing districts in the county under divisions (G) and (H) 45213  
of section 5727.84 of the Revised Code by nine thousand six 45214  
hundred fifty-nine ten-thousandths of one per cent if total taxes 45215  
collected in the county in 1999 exceeded one hundred fifty million 45216  
dollars, or one and one thousand one hundred fifty-nine 45217  
ten-thousandths of one per cent if total taxes collected in the 45218  
county in 1999 were one hundred fifty million dollars or less; 45219

(b) For purposes of the determination under division (B) of 45220  
this section in the years 2007 through 2011, the administrative 45221  
fee loss shall be the lesser of the amount computed under division 45222  
(A)(2)(a) of this section or the amount determined by subtracting 45223  
from the dollar amount of administrative fees collected in the 45224  
county in 1999, the dollar amount of administrative fees collected 45225  
in the county in the current calendar year. 45226

(3) "Total taxes collected" means all money collected on any 45227  
tax duplicate of the county, other than the estate tax duplicates. 45228  
"Total taxes collected" does not include amounts received pursuant 45229  
to divisions (F) and (G) of section 321.24 or section 323.156 of 45230  
the Revised Code. 45231

(B) Not later than the thirty-first day of December of 2001 45232  
through 2005, the tax commissioner shall certify to each county 45233  
auditor the tax levy losses calculated under divisions (G) and (H) 45234  
of section 5727.84 of the Revised Code for each school district, 45235  
joint vocational school district, and local taxing unit in the 45236  
county. Not later than the thirty-first day of January of 2002 45237  
through 2011, the county auditor shall determine the 45238  
administrative fee loss for the county and apportion that loss 45239  
ratably among the school districts, joint vocational school 45240  
districts, and local taxing units on the basis of the tax levy 45241  
losses certified under this division. 45242

(C) On or before each of the days prescribed for the 45243  
settlements under divisions (A) and (C) of section 321.24 of the 45244

Revised Code in the years 2002 through 2011, the county treasurer 45245  
shall deduct one-half of the amount apportioned to each school 45246  
district, joint vocational school district, and local taxing unit 45247  
from the portions of revenue payable to them. 45248

(D) On or before each of the days prescribed for settlements 45249  
under divisions (A) and (C) of section 321.24 of the Revised Code 45250  
in the years 2002 through 2011, the county auditor shall cause to 45251  
be deposited an amount equal to one-half of the amount of the 45252  
administrative fee loss in the same funds as if allowed as 45253  
administrative fees. 45254

After payment of the administrative fee loss on or before 45255  
August 10, 2011, all payments under this section shall cease. 45256

**Sec. 5733.12.** (A) ~~Four and two tenths per cent of all~~ All 45257  
payments received from the taxes imposed under sections 5733.06 45258  
and 5733.41 of the Revised Code shall be credited to ~~the local~~ 45259  
~~government fund for distribution in accordance with section~~ 45260  
~~5747.50 of the Revised Code, six tenths of one per cent shall be~~ 45261  
~~credited to the local government revenue assistance fund for~~ 45262  
~~distribution in accordance with section 5747.61 of the Revised~~ 45263  
~~Code, and ninety five and two tenths per cent shall be credited to~~ 45264  
the general revenue fund. 45265

(B) Except as otherwise provided under divisions (C) and (D) 45266  
of this section, an application to refund to the corporation the 45267  
amount of taxes imposed under section 5733.06 of the Revised Code 45268  
that are overpaid, paid illegally or erroneously, or paid on any 45269  
illegal, erroneous, or excessive assessment, with interest thereon 45270  
as provided by section 5733.26 of the Revised Code, shall be filed 45271  
with the tax commissioner, on the form prescribed by the 45272  
commissioner, within three years from the date of the illegal, 45273  
erroneous, or excessive payment of the tax, or within any 45274  
additional period allowed by division (C)(2) of section 5733.031, 45275

division (D)(2) of section 5733.067, or division (A) of section 45276  
5733.11 of the Revised Code. For purposes of division (B) of this 45277  
section, any payment that the applicant made before the due date 45278  
or extended due date for filing the report to which the payment 45279  
relates shall be deemed to have been made on the due date or 45280  
extended due date. 45281

On the filing of the refund application, the commissioner 45282  
shall determine the amount of refund to which the applicant is 45283  
entitled. If the amount is not less than that claimed the 45284  
commissioner shall certify the amount to the director of budget 45285  
and management and treasurer of state for payment from the tax 45286  
refund fund created by section 5703.052 of the Revised Code. If 45287  
the amount is less than that claimed, the commissioner shall 45288  
proceed in accordance with section 5703.70 of the Revised Code. 45289

(C) "Ninety days" shall be substituted for "three years" in 45290  
division (B) of this section if the taxpayer satisfies both of the 45291  
following: 45292

(1) The taxpayer has applied for a refund based in whole or 45293  
in part upon section 5733.0611 of the Revised Code; 45294

(2) The taxpayer asserts that the imposition or collection of 45295  
the tax imposed or charged by section 5733.06 of the Revised Code 45296  
or any portion of such tax violates the Constitution of the United 45297  
States or the Constitution of this state. 45298

(D)(1) Division (D)(2) of this section applies only if all of 45299  
the following conditions are satisfied: 45300

(a) A qualifying pass-through entity pays an amount of the 45301  
tax imposed by section 5733.41 of the Revised Code; 45302

(b) The taxpayer is a qualifying investor as to that 45303  
qualifying pass-through entity; 45304

(c) The taxpayer did not claim the credit provided for in 45305

section 5733.0611 of the Revised Code as to the tax described in 45306  
division (D)(1)(a) of this section; 45307

(d) The three-year period described in division (B) of this 45308  
section has ended as to the taxable year for which the taxpayer 45309  
otherwise would have claimed that credit. 45310

(2) A taxpayer shall file an application for refund pursuant 45311  
to this division within one year after the date the payment 45312  
described in division (D)(1)(a) of this section is made. An 45313  
application filed under this division shall only claim refund of 45314  
overpayments resulting from the taxpayer's failure to claim the 45315  
credit described in division (D)(1)(c) of this section. Nothing in 45316  
this division shall be construed to relieve a taxpayer from 45317  
complying with the provisions of division (I)(14) of section 45318  
5733.04 of the Revised Code. 45319

Sec. 5733.48. (A) As used in this section, "alternative 45320  
fuel," "retail dealer," and "retail service station" have the same 45321  
meanings as in section 5747.77 of the Revised Code. 45322

(B) There is hereby allowed a nonrefundable credit against 45323  
the tax imposed by section 5733.06 of the Revised Code for a 45324  
retail dealer that sells alternative fuel. The credit may be 45325  
claimed for tax years 2008 and 2009. The credit for tax year 2008 45326  
shall equal fifteen cents per gallon of alternative fuel sold and 45327  
dispensed through a metered pump at the retail dealer's retail 45328  
service station during any part of calendar year 2007 that is 45329  
included in the dealer's taxable year ending in 2007. The credit 45330  
for tax year 2009 shall equal fifteen cents per gallon of 45331  
alternative fuel sold and dispensed through a metered pump at the 45332  
retail dealer's retail service station during any part of calendar 45333  
year 2007 that is included in the dealer's taxable year ending in 45334  
2008, plus thirteen cents per gallon of alternative fuel sold and 45335  
dispensed in that manner during any part of calendar year 2008 45336

that is included in that taxable year. The credit shall be 45337  
calculated separately for each retail service station owned or 45338  
operated by the retail dealer. 45339

(C) The retail dealer shall claim the credit under this 45340  
section in the order prescribed in section 5733.98 of the Revised 45341  
Code. The credit shall not exceed the amount of tax otherwise due 45342  
under section 5747.02 of the Revised Code after deducting any 45343  
other credits that precede the credit claimed under this section 45344  
in that order. 45345

**Sec. 5733.98.** (A) To provide a uniform procedure for 45346  
calculating the amount of tax imposed by section 5733.06 of the 45347  
Revised Code that is due under this chapter, a taxpayer shall 45348  
claim any credits to which it is entitled in the following order, 45349  
except as otherwise provided in section 5733.058 of the Revised 45350  
Code: 45351

(1) For tax year 2005, the credit for taxes paid by a 45352  
qualifying pass-through entity allowed under section 5733.0611 of 45353  
the Revised Code; 45354

(2) The credit allowed for financial institutions under 45355  
section 5733.45 of the Revised Code; 45356

(3) The credit for qualifying affiliated groups under section 45357  
5733.068 of the Revised Code; 45358

(4) The subsidiary corporation credit under section 5733.067 45359  
of the Revised Code; 45360

(5) The savings and loan assessment credit under section 45361  
5733.063 of the Revised Code; 45362

(6) The credit for recycling and litter prevention donations 45363  
under section 5733.064 of the Revised Code; 45364

(7) The credit for employers that enter into agreements with 45365  
child day-care centers under section 5733.36 of the Revised Code; 45366

(8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	45367 45368
(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;	45369 45370
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	45371 45372
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	45373 45374
(12) The credit for <del>purchases of new manufacturing machinery and equipment under section 5733.31 or section 5733.311</del> <u>tax years 2008 and 2009 for selling alternative fuel under section 5733.48</u> of the Revised Code;	45375 45376 45377 45378
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	45379 45380
(14) The job training credit under section 5733.42 of the Revised Code;	45381 45382
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	45383 45384
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	45385 45386
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	45387 45388
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	45389 45390
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	45391 45392
(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	45393 45394
(21) The export sales credit under section 5733.069 of the	45395

Revised Code;	45396
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	45397 45398
(23) The enterprise zone credits under section 5709.65 of the Revised Code;	45399 45400
(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;	45401 45402
(25) The credit for small telephone companies under section 5733.57 of the Revised Code;	45403 45404
(26) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	45405 45406
(27) For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	45407 45408 45409
(28) The research and development credit under section 5733.352 of the Revised Code;	45410 45411
(29) For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	45412 45413 45414
(30) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	45415 45416
(31) The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	45417 45418
(32) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	45419 45420
(33) The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	45421 45422 45423
(34) For tax years 2006, 2007, and 2008, the refundable	45424

credit allowable under division (B) of section 5733.56 of the Revised Code. 45425  
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(B) For any credit except the credits enumerated in divisions (A)(30) to (34) of this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. 45427  
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**Sec. 5739.02.** For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state. 45433  
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(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code, provided that on and after July 1, 2003, and on or before June 30, 2005, the rate of tax shall be six per cent. On and after July 1, 2005, the rate of the tax shall be five and one-half per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered. 45443  
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(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the manufacturer to carry a load of not more than one ton, watercraft, outboard motor, or aircraft, or of any tangible personal property, other than motor vehicles designed by the manufacturer to carry a 45450  
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load of more than one ton, to be used by the lessee or renter 45456  
primarily for business purposes, the tax shall be collected by the 45457  
vendor at the time the lease or rental is consummated and shall be 45458  
calculated by the vendor on the basis of the total amount to be 45459  
paid by the lessee or renter under the lease agreement. If the 45460  
total amount of the consideration for the lease or rental includes 45461  
amounts that are not calculated at the time the lease or rental is 45462  
executed, the tax shall be calculated and collected by the vendor 45463  
at the time such amounts are billed to the lessee or renter. In 45464  
the case of an open-end lease or rental, the tax shall be 45465  
calculated by the vendor on the basis of the total amount to be 45466  
paid during the initial fixed term of the lease or rental, and for 45467  
each subsequent renewal period as it comes due. As used in this 45468  
division, "motor vehicle" has the same meaning as in section 45469  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 45470  
unit attached to the watercraft. 45471

A lease with a renewal clause and a termination penalty or 45472  
similar provision that applies if the renewal clause is not 45473  
exercised is presumed to be a sham transaction. In such a case, 45474  
the tax shall be calculated and paid on the basis of the entire 45475  
length of the lease period, including any renewal periods, until 45476  
the termination penalty or similar provision no longer applies. 45477  
The taxpayer shall bear the burden, by a preponderance of the 45478  
evidence, that the transaction or series of transactions is not a 45479  
sham transaction. 45480

(3) Except as provided in division (A)(2) of this section, in 45481  
the case of a sale, the price of which consists in whole or in 45482  
part of the lease or rental of tangible personal property, the tax 45483  
shall be measured by the installments of that lease or rental. 45484

(4) In the case of a sale of a physical fitness facility 45485  
service or recreation and sports club service, the price of which 45486  
consists in whole or in part of a membership for the receipt of 45487

the benefit of the service, the tax applicable to the sale shall 45488  
be measured by the installments thereof. 45489

(B) The tax does not apply to the following: 45490

(1) Sales to the state or any of its political subdivisions, 45491  
or to any other state or its political subdivisions if the laws of 45492  
that state exempt from taxation sales made to this state and its 45493  
political subdivisions; 45494

(2) Sales of food for human consumption off the premises 45495  
where sold; 45496

(3) Sales of food sold to students only in a cafeteria, 45497  
dormitory, fraternity, or sorority maintained in a private, 45498  
public, or parochial school, college, or university; 45499

(4) Sales of newspapers and of magazine subscriptions and 45500  
sales or transfers of magazines distributed as controlled 45501  
circulation publications; 45502

(5) The furnishing, preparing, or serving of meals without 45503  
charge by an employer to an employee provided the employer records 45504  
the meals as part compensation for services performed or work 45505  
done; 45506

(6) Sales of motor fuel upon receipt, use, distribution, or 45507  
sale of which in this state a tax is imposed by the law of this 45508  
state, but this exemption shall not apply to the sale of motor 45509  
fuel on which a refund of the tax is allowable under division (A) 45510  
of section 5735.14 of the Revised Code; and the tax commissioner 45511  
may deduct the amount of tax levied by this section applicable to 45512  
the price of motor fuel when granting a refund of motor fuel tax 45513  
pursuant to division (A) of section 5735.14 of the Revised Code 45514  
and shall cause the amount deducted to be paid into the general 45515  
revenue fund of this state; 45516

(7) Sales of natural gas by a natural gas company, of water 45517

by a water-works company, or of steam by a heating company, if in 45518  
each case the thing sold is delivered to consumers through pipes 45519  
or conduits, and all sales of communications services by a 45520  
telegraph company, all terms as defined in section 5727.01 of the 45521  
Revised Code, and sales of electricity delivered through wires; 45522

(8) Casual sales by a person, or auctioneer employed directly 45523  
by the person to conduct such sales, except as to such sales of 45524  
motor vehicles, watercraft or outboard motors required to be 45525  
titled under section 1548.06 of the Revised Code, watercraft 45526  
documented with the United States coast guard, snowmobiles, and 45527  
all-purpose vehicles as defined in section 4519.01 of the Revised 45528  
Code; 45529

(9)(a) Sales of services or tangible personal property, other 45530  
than motor vehicles, mobile homes, and manufactured homes, by 45531  
churches, organizations exempt from taxation under section 45532  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 45533  
organizations operated exclusively for charitable purposes as 45534  
defined in division (B)(12) of this section, provided that the 45535  
number of days on which such tangible personal property or 45536  
services, other than items never subject to the tax, are sold does 45537  
not exceed six in any calendar year, except as otherwise provided 45538  
in division (B)(9)(b) of this section. If the number of days on 45539  
which such sales are made exceeds six in any calendar year, the 45540  
church or organization shall be considered to be engaged in 45541  
business and all subsequent sales by it shall be subject to the 45542  
tax. In counting the number of days, all sales by groups within a 45543  
church or within an organization shall be considered to be sales 45544  
of that church or organization, ~~except that,~~ 45545

(b) The limitation on the number of days on which tax-exempt 45546  
sales may be made by a church or organization under division 45547  
(B)(9)(a) of this section does not apply to sales made by separate 45548  
student clubs and other groups of students of a primary or 45549

secondary school, ~~and sales made by or~~ a parent-teacher 45550  
association, booster group, or similar organization that raises 45551  
money to support or fund curricular or extracurricular activities 45552  
of a primary or secondary school, ~~shall not be considered to be~~ 45553  
~~sales of such school, and sales by each such club, group,~~ 45554  
~~association, or organization shall be counted separately for~~ 45555  
~~purposes of the six-day limitation. This division does.~~ 45556

(c) Divisions (B)(9)(a) and (b) of this section do not apply 45557  
to sales by a noncommercial educational radio or television 45558  
broadcasting station. 45559

(10) Sales not within the taxing power of this state under 45560  
the Constitution of the United States; 45561

(11) Except for transactions that are sales under division 45562  
(B)(3)(r) of section 5739.01 of the Revised Code, the 45563  
transportation of persons or property, unless the transportation 45564  
is by a private investigation and security service; 45565

(12) Sales of tangible personal property or services to 45566  
churches, to organizations exempt from taxation under section 45567  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 45568  
nonprofit organizations operated exclusively for charitable 45569  
purposes in this state, no part of the net income of which inures 45570  
to the benefit of any private shareholder or individual, and no 45571  
substantial part of the activities of which consists of carrying 45572  
on propaganda or otherwise attempting to influence legislation; 45573  
sales to offices administering one or more homes for the aged or 45574  
one or more hospital facilities exempt under section 140.08 of the 45575  
Revised Code; and sales to organizations described in division (D) 45576  
of section 5709.12 of the Revised Code. 45577

"Charitable purposes" means the relief of poverty; the 45578  
improvement of health through the alleviation of illness, disease, 45579  
or injury; the operation of an organization exclusively for the 45580

provision of professional, laundry, printing, and purchasing 45581  
services to hospitals or charitable institutions; the operation of 45582  
a home for the aged, as defined in section 5701.13 of the Revised 45583  
Code; the operation of a radio or television broadcasting station 45584  
that is licensed by the federal communications commission as a 45585  
noncommercial educational radio or television station; the 45586  
operation of a nonprofit animal adoption service or a county 45587  
humane society; the promotion of education by an institution of 45588  
learning that maintains a faculty of qualified instructors, 45589  
teaches regular continuous courses of study, and confers a 45590  
recognized diploma upon completion of a specific curriculum; the 45591  
operation of a parent-teacher association, booster group, or 45592  
similar organization primarily engaged in the promotion and 45593  
support of the curricular or extracurricular activities of a 45594  
primary or secondary school; the operation of a community or area 45595  
center in which presentations in music, dramatics, the arts, and 45596  
related fields are made in order to foster public interest and 45597  
education therein; the production of performances in music, 45598  
dramatics, and the arts; or the promotion of education by an 45599  
organization engaged in carrying on research in, or the 45600  
dissemination of, scientific and technological knowledge and 45601  
information primarily for the public. 45602

Nothing in this division shall be deemed to exempt sales to 45603  
any organization for use in the operation or carrying on of a 45604  
trade or business, or sales to a home for the aged for use in the 45605  
operation of independent living facilities as defined in division 45606  
(A) of section 5709.12 of the Revised Code. 45607

(13) Building and construction materials and services sold to 45608  
construction contractors for incorporation into a structure or 45609  
improvement to real property under a construction contract with 45610  
this state or a political subdivision of this state, or with the 45611  
United States government or any of its agencies; building and 45612

construction materials and services sold to construction 45613  
contractors for incorporation into a structure or improvement to 45614  
real property that are accepted for ownership by this state or any 45615  
of its political subdivisions, or by the United States government 45616  
or any of its agencies at the time of completion of the structures 45617  
or improvements; building and construction materials sold to 45618  
construction contractors for incorporation into a horticulture 45619  
structure or livestock structure for a person engaged in the 45620  
business of horticulture or producing livestock; building 45621  
materials and services sold to a construction contractor for 45622  
incorporation into a house of public worship or religious 45623  
education, or a building used exclusively for charitable purposes 45624  
under a construction contract with an organization whose purpose 45625  
is as described in division (B)(12) of this section; building 45626  
materials and services sold to a construction contractor for 45627  
incorporation into a building under a construction contract with 45628  
an organization exempt from taxation under section 501(c)(3) of 45629  
the Internal Revenue Code of 1986 when the building is to be used 45630  
exclusively for the organization's exempt purposes; building and 45631  
construction materials sold for incorporation into the original 45632  
construction of a sports facility under section 307.696 of the 45633  
Revised Code; and building and construction materials and services 45634  
sold to a construction contractor for incorporation into real 45635  
property outside this state if such materials and services, when 45636  
sold to a construction contractor in the state in which the real 45637  
property is located for incorporation into real property in that 45638  
state, would be exempt from a tax on sales levied by that state; 45639

(14) Sales of ships or vessels or rail rolling stock used or 45640  
to be used principally in interstate or foreign commerce, and 45641  
repairs, alterations, fuel, and lubricants for such ships or 45642  
vessels or rail rolling stock; 45643

(15) Sales to persons primarily engaged in any of the 45644

activities mentioned in division (B)(42)(a) or (g) of this 45645  
section, to persons engaged in making retail sales, or to persons 45646  
who purchase for sale from a manufacturer tangible personal 45647  
property that was produced by the manufacturer in accordance with 45648  
specific designs provided by the purchaser, of packages, including 45649  
material, labels, and parts for packages, and of machinery, 45650  
equipment, and material for use primarily in packaging tangible 45651  
personal property produced for sale, including any machinery, 45652  
equipment, and supplies used to make labels or packages, to 45653  
prepare packages or products for labeling, or to label packages or 45654  
products, by or on the order of the person doing the packaging, or 45655  
sold at retail. "Packages" includes bags, baskets, cartons, 45656  
crates, boxes, cans, bottles, bindings, wrappings, and other 45657  
similar devices and containers, but does not include motor 45658  
vehicles or bulk tanks, trailers, or similar devices attached to 45659  
motor vehicles. "Packaging" means placing in a package. Division 45660  
(B)(15) of this section does not apply to persons engaged in 45661  
highway transportation for hire. 45662

(16) Sales of food to persons using food stamp benefits to 45663  
purchase the food. As used in this division, "food" has the same 45664  
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 45665  
2012, as amended, and federal regulations adopted pursuant to that 45666  
act. 45667

(17) Sales to persons engaged in farming, agriculture, 45668  
horticulture, or floriculture, of tangible personal property for 45669  
use or consumption directly in the production by farming, 45670  
agriculture, horticulture, or floriculture of other tangible 45671  
personal property for use or consumption directly in the 45672  
production of tangible personal property for sale by farming, 45673  
agriculture, horticulture, or floriculture; or material and parts 45674  
for incorporation into any such tangible personal property for use 45675  
or consumption in production; and of tangible personal property 45676

for such use or consumption in the conditioning or holding of 45677  
products produced by and for such use, consumption, or sale by 45678  
persons engaged in farming, agriculture, horticulture, or 45679  
floriculture, except where such property is incorporated into real 45680  
property; 45681

(18) Sales of drugs for a human being that may be dispensed 45682  
only pursuant to a prescription; insulin as recognized in the 45683  
official United States pharmacopoeia; urine and blood testing 45684  
materials when used by diabetics or persons with hypoglycemia to 45685  
test for glucose or acetone; hypodermic syringes and needles when 45686  
used by diabetics for insulin injections; epoetin alfa when 45687  
purchased for use in the treatment of persons with medical 45688  
disease; hospital beds when purchased by hospitals, nursing homes, 45689  
or other medical facilities; and medical oxygen and medical 45690  
oxygen-dispensing equipment when purchased by hospitals, nursing 45691  
homes, or other medical facilities; 45692

(19) Sales of prosthetic devices, durable medical equipment 45693  
for home use, or mobility enhancing equipment, when made pursuant 45694  
to a prescription and when such devices or equipment are for use 45695  
by a human being. 45696

(20) Sales of emergency and fire protection vehicles and 45697  
equipment to nonprofit organizations for use solely in providing 45698  
fire protection and emergency services, including trauma care and 45699  
emergency medical services, for political subdivisions of the 45700  
state; 45701

(21) Sales of tangible personal property manufactured in this 45702  
state, if sold by the manufacturer in this state to a retailer for 45703  
use in the retail business of the retailer outside of this state 45704  
and if possession is taken from the manufacturer by the purchaser 45705  
within this state for the sole purpose of immediately removing the 45706  
same from this state in a vehicle owned by the purchaser; 45707

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state ~~upon the presentation of an affidavit executed in this state by the nonresident purchaser affirming that the purchaser is a nonresident of this state, that possession of the motor vehicle is taken in this state for the sole purpose of immediately removing it from this state, that the motor vehicle will be permanently titled and registered in another state, and that the motor vehicle will not be used in this state~~ under the circumstances described in division (B) of section 5739.029 of the Revised Code;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.

(25)(a) Sales of water to a consumer for residential use, except the sale of bottled water, distilled water, mineral water, carbonated water, or ice;

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.	45740 45741 45742 45743
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	45744 45745
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	45746 45747 45748 45749
(a) To prepare food for human consumption for sale;	45750
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	45751 45752 45753 45754
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	45755 45756
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	45757 45758
(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;	45759 45760 45761 45762
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	45763 45764 45765
(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;	45766 45767 45768
(32) The sale, lease, repair, and maintenance of, parts for,	45769

or items attached to or incorporated in, motor vehicles that are 45770  
primarily used for transporting tangible personal property 45771  
belonging to others by a person engaged in highway transportation 45772  
for hire, except for packages and packaging used for the 45773  
transportation of tangible personal property; 45774

(33) Sales to the state headquarters of any veterans' 45775  
organization in this state that is either incorporated and issued 45776  
a charter by the congress of the United States or is recognized by 45777  
the United States veterans administration, for use by the 45778  
headquarters; 45779

(34) Sales to a telecommunications service vendor, mobile 45780  
telecommunications service vendor, or satellite broadcasting 45781  
service vendor of tangible personal property and services used 45782  
directly and primarily in transmitting, receiving, switching, or 45783  
recording any interactive, one- or two-way electromagnetic 45784  
communications, including voice, image, data, and information, 45785  
through the use of any medium, including, but not limited to, 45786  
poles, wires, cables, switching equipment, computers, and record 45787  
storage devices and media, and component parts for the tangible 45788  
personal property. The exemption provided in this division shall 45789  
be in lieu of all other exemptions under division (B)(42)(a) of 45790  
this section to which the vendor may otherwise be entitled, based 45791  
upon the use of the thing purchased in providing the 45792  
telecommunications, mobile telecommunications, or satellite 45793  
broadcasting service. 45794

(35)(a) Sales where the purpose of the consumer is to use or 45795  
consume the things transferred in making retail sales and 45796  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 45797  
certificates, or other advertising material that prices and 45798  
describes tangible personal property offered for retail sale. 45799

(b) Sales to direct marketing vendors of preliminary 45800  
materials such as photographs, artwork, and typesetting that will 45801

be used in printing advertising material; of printed matter that 45802  
offers free merchandise or chances to win sweepstake prizes and 45803  
that is mailed to potential customers with advertising material 45804  
described in division (B)(35)(a) of this section; and of equipment 45805  
such as telephones, computers, facsimile machines, and similar 45806  
tangible personal property primarily used to accept orders for 45807  
direct marketing retail sales. 45808

(c) Sales of automatic food vending machines that preserve 45809  
food with a shelf life of forty-five days or less by refrigeration 45810  
and dispense it to the consumer. 45811

For purposes of division (B)(35) of this section, "direct 45812  
marketing" means the method of selling where consumers order 45813  
tangible personal property by United States mail, delivery 45814  
service, or telecommunication and the vendor delivers or ships the 45815  
tangible personal property sold to the consumer from a warehouse, 45816  
catalogue distribution center, or similar fulfillment facility by 45817  
means of the United States mail, delivery service, or common 45818  
carrier. 45819

(36) Sales to a person engaged in the business of 45820  
horticulture or producing livestock of materials to be 45821  
incorporated into a horticulture structure or livestock structure; 45822

(37) Sales of personal computers, computer monitors, computer 45823  
keyboards, modems, and other peripheral computer equipment to an 45824  
individual who is licensed or certified to teach in an elementary 45825  
or a secondary school in this state for use by that individual in 45826  
preparation for teaching elementary or secondary school students; 45827

(38) Sales to a professional racing team of any of the 45828  
following: 45829

(a) Motor racing vehicles; 45830

(b) Repair services for motor racing vehicles; 45831

(c) Items of property that are attached to or incorporated in 45832  
motor racing vehicles, including engines, chassis, and all other 45833  
components of the vehicles, and all spare, replacement, and 45834  
rebuilt parts or components of the vehicles; except not including 45835  
tires, consumable fluids, paint, and accessories consisting of 45836  
instrumentation sensors and related items added to the vehicle to 45837  
collect and transmit data by means of telemetry and other forms of 45838  
communication. 45839

(39) Sales of used manufactured homes and used mobile homes, 45840  
as defined in section 5739.0210 of the Revised Code, made on or 45841  
after January 1, 2000; 45842

(40) Sales of tangible personal property and services to a 45843  
provider of electricity used or consumed directly and primarily in 45844  
generating, transmitting, or distributing electricity for use by 45845  
others, including property that is or is to be incorporated into 45846  
and will become a part of the consumer's production, transmission, 45847  
or distribution system and that retains its classification as 45848  
tangible personal property after incorporation; fuel or power used 45849  
in the production, transmission, or distribution of electricity; 45850  
and tangible personal property and services used in the repair and 45851  
maintenance of the production, transmission, or distribution 45852  
system, including only those motor vehicles as are specially 45853  
designed and equipped for such use. The exemption provided in this 45854  
division shall be in lieu of all other exemptions in division 45855  
(B)(42)(a) of this section to which a provider of electricity may 45856  
otherwise be entitled based on the use of the tangible personal 45857  
property or service purchased in generating, transmitting, or 45858  
distributing electricity. 45859

(41) Sales to a person providing services under division 45860  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 45861  
personal property and services used directly and primarily in 45862  
providing taxable services under that section. 45863

(42) Sales where the purpose of the purchaser is to do any of 45864  
the following: 45865

(a) To incorporate the thing transferred as a material or a 45866  
part into tangible personal property to be produced for sale by 45867  
manufacturing, assembling, processing, or refining; or to use or 45868  
consume the thing transferred directly in producing tangible 45869  
personal property for sale by mining, including, without 45870  
limitation, the extraction from the earth of all substances that 45871  
are classed geologically as minerals, production of crude oil and 45872  
natural gas, farming, agriculture, horticulture, or floriculture, 45873  
or directly in the rendition of a public utility service, except 45874  
that the sales tax levied by this section shall be collected upon 45875  
all meals, drinks, and food for human consumption sold when 45876  
transporting persons. Persons engaged in rendering farming, 45877  
agricultural, horticultural, or floricultural services, and 45878  
services in the exploration for, and production of, crude oil and 45879  
natural gas, for others are deemed engaged directly in farming, 45880  
agriculture, horticulture, and floriculture, or exploration for, 45881  
and production of, crude oil and natural gas. This paragraph does 45882  
not exempt from "retail sale" or "sales at retail" the sale of 45883  
tangible personal property that is to be incorporated into a 45884  
structure or improvement to real property. 45885

(b) To hold the thing transferred as security for the 45886  
performance of an obligation of the vendor; 45887

(c) To resell, hold, use, or consume the thing transferred as 45888  
evidence of a contract of insurance; 45889

(d) To use or consume the thing directly in commercial 45890  
fishing; 45891

(e) To incorporate the thing transferred as a material or a 45892  
part into, or to use or consume the thing transferred directly in 45893  
the production of, magazines distributed as controlled circulation 45894

publications;	45895
(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;	45896 45897 45898 45899 45900
(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;	45901 45902 45903
(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;	45904 45905 45906 45907 45908 45909
(i) To use the thing transferred as qualified research and development equipment;	45910 45911
(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)(35) of this section.	45912 45913 45914 45915 45916 45917 45918 45919 45920 45921 45922 45923 45924
(k) To use or consume the thing transferred to fulfill a	45925

contractual obligation incurred by a warrantor pursuant to a 45926  
warranty provided as a part of the price of the tangible personal 45927  
property sold or by a vendor of a warranty, maintenance or service 45928  
contract, or similar agreement the provision of which is defined 45929  
as a sale under division (B)(7) of section 5739.01 of the Revised 45930  
Code; 45931

(l) To use or consume the thing transferred in the production 45932  
of a newspaper for distribution to the public; 45933

(m) To use tangible personal property to perform a service 45934  
listed in division (B)(3) of section 5739.01 of the Revised Code, 45935  
if the property is or is to be permanently transferred to the 45936  
consumer of the service as an integral part of the performance of 45937  
the service. 45938

As used in division (B)(42) of this section, "thing" includes 45939  
all transactions included in divisions (B)(3)(a), (b), and (e) of 45940  
section 5739.01 of the Revised Code. 45941

(43) Sales conducted through a coin operated device that 45942  
activates vacuum equipment or equipment that dispenses water, 45943  
whether or not in combination with soap or other cleaning agents 45944  
or wax, to the consumer for the consumer's use on the premises in 45945  
washing, cleaning, or waxing a motor vehicle, provided no other 45946  
personal property or personal service is provided as part of the 45947  
transaction. 45948

(44) Sales of replacement and modification parts for engines, 45949  
airframes, instruments, and interiors in, and paint for, aircraft 45950  
used primarily in a fractional aircraft ownership program, and 45951  
sales of services for the repair, modification, and maintenance of 45952  
such aircraft, and machinery, equipment, and supplies primarily 45953  
used to provide those services. 45954

(45) Sales of telecommunications service that is used 45955  
directly and primarily to perform the functions of a call center. 45956

As used in this division, "call center" means any physical 45957  
location where telephone calls are placed or received in high 45958  
volume for the purpose of making sales, marketing, customer 45959  
service, technical support, or other specialized business 45960  
activity, and that employs at least fifty individuals that engage 45961  
in call center activities on a full-time basis, or sufficient 45962  
individuals to fill fifty full-time equivalent positions. 45963

(46) Sales by a telecommunications service vendor of 900 45964  
service to a subscriber. This division does not apply to 45965  
information services, as defined in division (FF) of section 45966  
5739.01 of the Revised Code. 45967

(47) Sales of value-added non-voice data service. This 45968  
division does not apply to any similar service that is not 45969  
otherwise a telecommunications service. 45970

(C) For the purpose of the proper administration of this 45971  
chapter, and to prevent the evasion of the tax, it is presumed 45972  
that all sales made in this state are subject to the tax until the 45973  
contrary is established. 45974

(D) The levy of this tax on retail sales of recreation and 45975  
sports club service shall not prevent a municipal corporation from 45976  
levying any tax on recreation and sports club dues or on any 45977  
income generated by recreation and sports club dues. 45978

(E) The tax collected by the vendor from the consumer under 45979  
this chapter is not part of the price, but is a tax collection for 45980  
the benefit of the state, and of counties levying an additional 45981  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 45982  
Code and of transit authorities levying an additional sales tax 45983  
pursuant to section 5739.023 of the Revised Code. Except for the 45984  
discount authorized under section 5739.12 of the Revised Code and 45985  
the effects of any rounding pursuant to section 5703.055 of the 45986  
Revised Code, no person other than the state or such a county or 45987

transit authority shall derive any benefit from the collection or 45988  
payment of the tax levied by this section or section 5739.021, 45989  
5739.023, or 5739.026 of the Revised Code. 45990

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 45991  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 45992  
5741.023 of the Revised Code, and except as otherwise provided in 45993  
division (B) of this section, the tax due under this chapter on 45994  
the sale of a motor vehicle required to be titled under Chapter 45995  
4505. of the Revised Code by a motor vehicle dealer to a consumer 45996  
that is a nonresident of this state shall be the lesser of the 45997  
amount of tax that would be due under this chapter and Chapter 45998  
5741. of the Revised Code if the total combined rate were six per 45999  
cent, or the amount of tax that would be due, taking into 46000  
consideration all applicable credits and exemptions, to the state 46001  
in which the consumer titles or registers the motor vehicle or to 46002  
which the consumer removes the vehicle for use. 46003

(B) No tax is due under this section, any other section of 46004  
this chapter, or Chapter 5741. of the Revised Code under any of 46005  
the following circumstances: 46006

(1)(a) The consumer intends to immediately remove the motor 46007  
vehicle from this state for use outside this state; 46008

(b) Upon removal of the motor vehicle from this state, the 46009  
consumer intends to title or register the vehicle in another state 46010  
if such titling or registration is required; 46011

(c) The consumer executes an affidavit as required under 46012  
division (C) of this section affirming the consumer's intentions 46013  
under divisions (B)(1)(a) and (b) of this section; and 46014

(d) The state in which the consumer titles or registers the 46015  
motor vehicle or to which the consumer removes the vehicle for use 46016  
provides an exemption under circumstances substantially similar to 46017

those described in division (B)(1) of this section. 46018

(2) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not provide a credit against its sales or use tax or similar excise tax for sales or use tax paid to this state. 46019  
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(3) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not impose a sales or use tax or similar excise tax on the ownership or use of motor vehicles. 46023  
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(C) Any nonresident consumer that purchases a motor vehicle from a motor vehicle dealer in this state under the circumstances described in divisions (B)(1)(a) and (b) of this section shall execute an affidavit affirming the intentions described in those divisions. The affidavit shall be executed in triplicate and in the form specified by the tax commissioner. The affidavit shall be given to the motor vehicle dealer. 46027  
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A motor vehicle dealer that accepts in good faith an affidavit presented under this division by a nonresident consumer may rely upon the representations made in the affidavit. 46034  
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(D) A motor vehicle dealer making a sale subject to the tax under division (A) of this section shall collect the tax due unless the sale is subject to the exception under division (B) of this section or unless the sale is not otherwise subject to taxes levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In the case of a sale under the circumstances described in division (B)(1) of this section, the dealer shall retain one copy of the affidavit and file the original and the other copy with the clerk of the court of common pleas. If tax is due under division (A) of this section, the dealer shall remit the tax collected to the clerk at the time the dealer obtains the Ohio certificate of title 46037  
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in the name of the consumer as required under section 4505.06 of 46049  
the Revised Code. The clerk shall forward the original affidavit 46050  
to the tax commissioner in the manner prescribed by the 46051  
commissioner. 46052

Unless a sale is excepted from taxation under division (B) of 46053  
this section, upon receipt of an application for certificate of 46054  
title a clerk of the court of common pleas shall collect the sales 46055  
tax due under division (A) of this section. The clerk shall remit 46056  
the tax collected to the tax commissioner in the manner prescribed 46057  
by the commissioner. 46058

(E) If a motor vehicle is purchased by a corporation 46059  
described in division (B)(6) of section 5739.01 of the Revised 46060  
Code, the state of residence of the consumer for the purposes of 46061  
this section is the state of residence of the corporation's 46062  
principal shareholder. 46063

(F) Any provision of this chapter or of Chapter 5741. of the 46064  
Revised Code that is not inconsistent with this section applies to 46065  
sales described in division (A) of this section. 46066

(G) As used in this section: 46067

(1) For the purposes of this section only, the sale or 46068  
purchase of a motor vehicle does not include a lease or rental of 46069  
a motor vehicle subject to division (A)(2) or (3) of section 46070  
5739.02 or division (A)(2) or (3) of section 5741.02 of the 46071  
Revised Code; 46072

(2) "State," except in reference to "this state," means any 46073  
state, district, commonwealth, or territory of the United States. 46074

**Sec. 5739.033.** (A) Except as provided in division (B) of this 46075  
section, divisions (C) to (I) of this section apply to sales made 46076  
on and after May 1, 2006. Sales made before May 1, 2006, are 46077  
subject to section 5739.035 of the Revised Code. On and after 46078

January 1, 2005, any vendor may irrevocably elect to comply with 46079  
divisions (C) to (I) of this section for all of the vendor's sales 46080  
and places of business in this state. 46081

The amount of tax due pursuant to sections 5739.02, 5739.021, 46082  
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 46083  
imposed pursuant to those sections at the sourcing location of the 46084  
sale as determined under this section or, if applicable, under 46085  
division (C) of section 5739.031 or section 5739.034 of the 46086  
Revised Code, or at the situs of the sale as determined under 46087  
section 5739.035 of the Revised Code. This section applies only to 46088  
a vendor's or seller's obligation to collect and remit sales taxes 46089  
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 46090  
Revised Code or use taxes under section 5741.02, 5741.021, 46091  
5741.022, or 5741.023 of the Revised Code. Division (A) of this 46092  
section does not apply in determining the jurisdiction for which 46093  
sellers are required to collect the use tax under section 5741.05 46094  
of the Revised Code. This section does not affect the obligation 46095  
of a consumer to remit use taxes on the storage, use, or other 46096  
consumption of tangible personal property or on the benefit 46097  
realized of any service provided, to the jurisdiction of that 46098  
storage, use, or consumption, or benefit realized. 46099

(B)(1) As used in this division: 46100

(a) "Delivery sale" means the taxable sale of tangible 46101  
personal property or a service that is received by a consumer, or 46102  
a donee designated by the consumer, in a taxing jurisdiction that 46103  
is not the taxing jurisdiction in which the vendor has a fixed 46104  
place of business. 46105

(b) "Agreement" has the same meaning as in section 5740.01 of 46106  
the Revised Code. 46107

(c) "Governing board" has the same meaning as in section 46108  
5740.02 of the Revised Code. 46109

(2)(a) A vendor with total delivery sales in calendar year 2005 that are less than thirty million dollars may continue to situs its sales under section 5739.035 of the Revised Code from May 1, 2006, through April 30, 2007, except that, if the tax commissioner does not enter a determination in the commissioner's journal under division (B)(2)(b) of this section, those dates shall be May 1, 2006, through December 31, 2007.

(b) On or before February 1, 2007, the tax commissioner shall determine whether certified service provider services are being provided by the governing board of the streamlined sales and use tax agreement for all delivery sales. If the commissioner determines that such services are being so provided, the commissioner shall enter the determination in the commissioner's journal and shall provide notice of the determination on the department of taxation's official internet web site. If the commissioner makes such an entry in the journal, then a vendor with total delivery sales in calendar year 2006 that are less than five million dollars may continue to situs its sales under section 5739.035 of the Revised Code from May 1, 2007, through December 31, 2007.

(3) Beginning January 1, 2008, all vendors shall source their sales under divisions (C) to (I) of this section.

(4) Once a vendor has total delivery sales that exceed the dollar amount in division (B)(2)(a) or (b) of this section, the vendor shall source its sales under divisions (C) to (I) of this section and shall continue to source its sales under those divisions, regardless of the amount of the vendor's total delivery sales in future years.

(C) Except for sales, other than leases, of titled motor vehicles, titled watercraft, or titled outboard motors as provided in ~~section~~ sections 5739.029 and 5741.05 of the Revised Code, or as otherwise provided in this section and section 5739.034 of the

Revised Code, all sales shall be sourced as follows: 46142

(1) If the consumer or a donee designated by the consumer 46143  
receives tangible personal property or a service at a vendor's 46144  
place of business, the sale shall be sourced to that place of 46145  
business. 46146

(2) When the tangible personal property or service is not 46147  
received at a vendor's place of business, the sale shall be 46148  
sourced to the location known to the vendor where the consumer or 46149  
the donee designated by the consumer receives the tangible 46150  
personal property or service, including the location indicated by 46151  
instructions for delivery to the consumer or the consumer's donee. 46152

(3) If divisions (C)(1) and (2) of this section do not apply, 46153  
the sale shall be sourced to the location indicated by an address 46154  
for the consumer that is available from the vendor's business 46155  
records that are maintained in the ordinary course of the vendor's 46156  
business, when use of that address does not constitute bad faith. 46157  
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(4) If divisions (C)(1), (2), and (3) of this section do not 46159  
apply, the sale shall be sourced to the location indicated by an 46160  
address for the consumer obtained during the consummation of the 46161  
sale, including the address associated with the consumer's payment 46162  
instrument, if no other address is available, when use of that 46163  
address does not constitute bad faith. 46164

(5) If divisions (C)(1), (2), (3), and (4) of this section do 46165  
not apply, including in the circumstance where the vendor is 46166  
without sufficient information to apply any of those divisions, 46167  
the sale shall be sourced to the address from which tangible 46168  
personal property was shipped, or from which the service was 46169  
provided, disregarding any location that merely provided the 46170  
electronic transfer of the property sold or service provided. 46171

(6) As used in division (C) of this section, "receive" means 46172

taking possession of tangible personal property or making first 46173  
use of a service. "Receive" does not include possession by a 46174  
shipping company on behalf of a consumer. 46175

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 46176  
section, a business consumer that is not a holder of a direct 46177  
payment permit granted under section 5739.031 of the Revised Code, 46178  
that purchases a digital good, computer software, except computer 46179  
software received in person by a business consumer at a vendor's 46180  
place of business, or a service, and that knows at the time of 46181  
purchase that such digital good, software, or service will be 46182  
concurrently available for use in more than one taxing 46183  
jurisdiction shall deliver to the vendor in conjunction with its 46184  
purchase an exemption certificate claiming multiple points of use, 46185  
or shall meet the requirements of division (D)(2) of this section. 46186  
On receipt of the exemption certificate claiming multiple points 46187  
of use, the vendor is relieved of its obligation to collect, pay, 46188  
or remit the tax due, and the business consumer must pay the tax 46189  
directly to the state. 46190

(b) A business consumer that delivers the exemption 46191  
certificate claiming multiple points of use to a vendor may use 46192  
any reasonable, consistent, and uniform method of apportioning the 46193  
tax due on the digital good, computer software, or service that is 46194  
supported by the consumer's business records as they existed at 46195  
the time of the sale. The business consumer shall report and pay 46196  
the appropriate tax to each jurisdiction where concurrent use 46197  
occurs. The tax due shall be calculated as if the apportioned 46198  
amount of the digital good, computer software, or service had been 46199  
delivered to each jurisdiction to which the sale is apportioned 46200  
under this division. 46201

(c) The exemption certificate claiming multiple points of use 46202  
shall remain in effect for all future sales by the vendor to the 46203  
business consumer until it is revoked in writing by the business 46204

consumer, except as to the business consumer's specific 46205  
apportionment of a subsequent sale under division (D)(1)(b) of 46206  
this section and the facts existing at the time of the sale. 46207

(2) When the vendor knows that a digital good, computer 46208  
software, or service sold will be concurrently available for use 46209  
by the business consumer in more than one jurisdiction, but the 46210  
business consumer does not provide an exemption certificate 46211  
claiming multiple points of use as required by division (D)(1) of 46212  
this section, the vendor may work with the business consumer to 46213  
produce the correct apportionment. Governed by the principles of 46214  
division (D)(1)(b) of this section, the vendor and business 46215  
consumer may use any reasonable, but consistent and uniform, 46216  
method of apportionment that is supported by the vendor's and 46217  
business consumer's books and records as they exist at the time 46218  
the sale is reported for purposes of the taxes levied under this 46219  
chapter. If the business consumer certifies to the accuracy of the 46220  
apportionment and the vendor accepts the certification, the vendor 46221  
shall collect and remit the tax accordingly. In the absence of bad 46222  
faith, the vendor is relieved of any further obligation to collect 46223  
tax on any transaction where the vendor has collected tax pursuant 46224  
to the information certified by the business consumer. 46225

(3) When the vendor knows that the digital good, computer 46226  
software, or service will be concurrently available for use in 46227  
more than one jurisdiction, and the business consumer does not 46228  
have a direct pay permit and does not provide to the vendor an 46229  
exemption certificate claiming multiple points of use as required 46230  
in division (D)(1) of this section, or certification pursuant to 46231  
division (D)(2) of this section, the vendor shall collect and 46232  
remit the tax based on division (C) of this section. 46233

(4) Nothing in this section shall limit a person's obligation 46234  
for sales or use tax to any state in which a digital good, 46235  
computer software, or service is concurrently available for use, 46236

nor limit a person's ability under local, state, or federal law, 46237  
to claim a credit for sales or use taxes legally due and paid to 46238  
other jurisdictions. 46239

(E) A person who holds a direct payment permit issued under 46240  
section 5739.031 of the Revised Code is not required to deliver an 46241  
exemption certificate claiming multiple points of use to a vendor. 46242  
But such permit holder shall comply with division (D)(2) of this 46243  
section in apportioning the tax due on a digital good, computer 46244  
software, or a service for use in business that will be 46245  
concurrently available for use in more than one taxing 46246  
jurisdiction. 46247

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 46248  
section, the consumer of direct mail that is not a holder of a 46249  
direct payment permit shall provide to the vendor in conjunction 46250  
with the sale either an exemption certificate claiming direct mail 46251  
prescribed by the tax commissioner, or information to show the 46252  
jurisdictions to which the direct mail is delivered to recipients. 46253

(2) Upon receipt of such exemption certificate, the vendor is 46254  
relieved of all obligations to collect, pay, or remit the 46255  
applicable tax and the consumer is obligated to pay that tax on a 46256  
direct pay basis. An exemption certificate claiming direct mail 46257  
shall remain in effect for all future sales of direct mail by the 46258  
vendor to the consumer until it is revoked in writing. 46259

(3) Upon receipt of information from the consumer showing the 46260  
jurisdictions to which the direct mail is delivered to recipients, 46261  
the vendor shall collect the tax according to the delivery 46262  
information provided by the consumer. In the absence of bad faith, 46263  
the vendor is relieved of any further obligation to collect tax on 46264  
any transaction where the vendor has collected tax pursuant to the 46265  
delivery information provided by the consumer. 46266

(4) If the consumer of direct mail does not have a direct 46267

payment permit and does not provide the vendor with either an 46268  
exemption certificate claiming direct mail or delivery information 46269  
as required by division (F)(1) of this section, the vendor shall 46270  
collect the tax according to division (C)(5) of this section. 46271  
Nothing in division (F)(4) of this section shall limit a 46272  
consumer's obligation to pay sales or use tax to any state to 46273  
which the direct mail is delivered. 46274

(5) If a consumer of direct mail provides the vendor with 46275  
documentation of direct payment authority, the consumer shall not 46276  
be required to provide an exemption certificate claiming direct 46277  
mail or delivery information to the vendor. 46278

(G) If the vendor provides lodging to transient guests as 46279  
specified in division (B)(2) of section 5739.01 of the Revised 46280  
Code, the sale shall be sourced to the location where the lodging 46281  
is located. 46282

(H)(1) As used in this division and division (I) of this 46283  
section, "transportation equipment" means any of the following: 46284

(a) Locomotives and railcars that are utilized for the 46285  
carriage of persons or property in interstate commerce. 46286

(b) Trucks and truck-tractors with a gross vehicle weight 46287  
rating of greater than ten thousand pounds, trailers, 46288  
semi-trailers, or passenger buses that are registered through the 46289  
international registration plan and are operated under authority 46290  
of a carrier authorized and certificated by the United States 46291  
department of transportation or another federal authority to 46292  
engage in the carriage of persons or property in interstate 46293  
commerce. 46294

(c) Aircraft that are operated by air carriers authorized and 46295  
certificated by the United States department of transportation or 46296  
another federal authority to engage in the carriage of persons or 46297  
property in interstate or foreign commerce. 46298

(d) Containers designed for use on and component parts	46299
attached to or secured on the items set forth in division	46300
(H)(1)(a), (b), or (c) of this section.	46301
(2) A sale, lease, or rental of transportation equipment	46302
shall be sourced pursuant to division (C) of this section.	46303
(I)(1) A lease or rental of tangible personal property that	46304
does not require recurring periodic payments shall be sourced	46305
pursuant to division (C) of this section.	46306
(2) A lease or rental of tangible personal property that	46307
requires recurring periodic payments shall be sourced as follows:	46308
(a) In the case of a motor vehicle, other than a motor	46309
vehicle that is transportation equipment, or an aircraft, other	46310
than an aircraft that is transportation equipment, such lease or	46311
rental shall be sourced as follows:	46312
(i) An accelerated tax payment on a lease or rental taxed	46313
pursuant to division (A)(2) of section 5739.02 of the Revised Code	46314
shall be sourced to the primary property location at the time the	46315
lease or rental is consummated. Any subsequent taxable charges on	46316
the lease or rental shall be sourced to the primary property	46317
location for the period in which the charges are incurred.	46318
(ii) For a lease or rental taxed pursuant to division (A)(3)	46319
of section 5739.02 of the Revised Code, each lease or rental	46320
installment shall be sourced to the primary property location for	46321
the period covered by the installment.	46322
(b) In the case of a lease or rental of all other tangible	46323
personal property, other than transportation equipment, such lease	46324
or rental shall be sourced as follows:	46325
(i) An accelerated tax payment on a lease or rental that is	46326
taxed pursuant to division (A)(2) of section 5739.02 of the	46327
Revised Code shall be sourced pursuant to division (C) of this	46328

section at the time the lease or rental is consummated. Any 46329  
subsequent taxable charges on the lease or rental shall be sourced 46330  
to the primary property location for the period in which the 46331  
charges are incurred. 46332

(ii) For a lease or rental that is taxed pursuant to division 46333  
(A)(3) of section 5739.02 of the Revised Code, the initial lease 46334  
or rental installment shall be sourced pursuant to division (C) of 46335  
this section. Each subsequent installment shall be sourced to the 46336  
primary property location for the period covered by the 46337  
installment. 46338

(3) As used in division (I) of this section, "primary 46339  
property location" means an address for tangible personal property 46340  
provided by the lessee or renter that is available to the lessor 46341  
or owner from its records maintained in the ordinary course of 46342  
business, when use of that address does not constitute bad faith. 46343

**Sec. 5739.12.** (A) Each person who has or is required to have 46344  
a vendor's license, on or before the twenty-third day of each 46345  
month, shall make and file a return for the preceding month, on 46346  
forms prescribed by the tax commissioner, and shall pay the tax 46347  
shown on the return to be due. The commissioner may require a 46348  
vendor that operates from multiple locations or has multiple 46349  
vendor's licenses to report all tax liabilities on one 46350  
consolidated return. The return shall show the amount of tax due 46351  
from the vendor to the state for the period covered by the return 46352  
and such other information as the commissioner deems necessary for 46353  
the proper administration of this chapter. The commissioner may 46354  
extend the time for making and filing returns and paying the tax, 46355  
and may require that the return for the last month of any annual 46356  
or semiannual period, as determined by the commissioner, be a 46357  
reconciliation return detailing the vendor's sales activity for 46358  
the preceding annual or semiannual period. The reconciliation 46359

return shall be filed by the last day of the month following the 46360  
last month of the annual or semiannual period. The commissioner 46361  
may remit all or any part of amounts or penalties that may become 46362  
due under this chapter and may adopt rules relating thereto. Such 46363  
return shall be filed by mailing it to the tax commissioner, 46364  
together with payment of the amount of tax shown to be due thereon 46365  
after deduction of any discount provided for under this section. 46366  
Remittance shall be made payable to the treasurer of state. The 46367  
return shall be considered filed when received by the tax 46368  
commissioner, and the payment shall be considered made when 46369  
received by the tax commissioner or when credited to an account 46370  
designated by the treasurer of state or the tax commissioner. 46371

(B)(1) If the return is filed and the amount of tax shown 46372  
thereon to be due is paid on or before the date such return is 46373  
required to be filed, the vendor shall be entitled to ~~the~~ 46374  
~~following a discount of~~: 46375

~~(1)(a)~~ On and after July 1, 2005, and on and before June 30, 46376  
2007, nine-tenths of one per cent of the amount shown to be due on 46377  
the return; 46378

~~(2)(b)~~ On and after July 1, 2007, three-fourths of one per 46379  
cent of the amount shown to be due on the return. 46380

(2) A vendor that has selected a certified service provider 46381  
as its agent shall not be entitled to the discount if the 46382  
certified service provider receives a monetary allowance pursuant 46383  
to section 5739.06 of the Revised Code for performing the vendor's 46384  
sales and use tax functions in this state. Amounts paid to the 46385  
clerk of courts pursuant to section 4505.06 of the Revised Code 46386  
shall be subject to the applicable discount. The discount shall be 46387  
in consideration for prompt payment to the clerk of courts and for 46388  
other services performed by the vendor in the collection of the 46389  
tax. 46390

(3) Vendors of watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, dealers of motor vehicles required to be titled under section 4505.06 of the Revised Code, and dealers of off-highway motorcycles or all-purpose vehicles required to be titled under section 4519.55 of the Revised Code that submit to the clerk of the court of common pleas payment of the tax collected on sales of watercraft, outboard motors, motor vehicles, off-highway motorcycles, or all-purpose vehicles may, when computing the discount provided for in division (B)(1) of this section, include those sales on the return for the period in which the sales were made. If the tax reported to be due on the return is less than the discount allowed under this section, the vendor or dealer may file a claim for refund of any unused discount in the manner provided in section 5739.07 of the Revised Code, provided that such refund claims may not be filed more frequently than twice per year by a vendor or dealer.

(C)(1) Upon application to the commissioner, a vendor who is required to file monthly returns may be relieved of the requirement to report and pay the actual tax due, provided that the vendor agrees to remit to the tax commissioner payment of not less than an amount determined by the commissioner to be the average monthly tax liability of the vendor, based upon a review of the returns or other information pertaining to such vendor for a period of not less than six months nor more than two years immediately preceding the filing of the application. Vendors who agree to the above conditions shall make and file an annual or semiannual reconciliation return, as prescribed by the commissioner. The reconciliation return shall be filed by mailing or delivering it to the tax commissioner, together with payment of the amount of tax shown to be due thereon after deduction of any discount provided in this section. Remittance shall be made payable to the treasurer of state. Failure of a vendor to comply

with any of the above conditions may result in immediate 46424  
reinstatement of the requirement of reporting and paying the 46425  
actual tax liability on each monthly return, and the commissioner 46426  
may at the commissioner's discretion deny the vendor the right to 46427  
report and pay based upon the average monthly liability for a 46428  
period not to exceed two years. The amount ascertained by the 46429  
commissioner to be the average monthly tax liability of a vendor 46430  
may be adjusted, based upon a review of the returns or other 46431  
information pertaining to the vendor for a period of not less than 46432  
six months nor more than two years preceding such adjustment. 46433

(2) The commissioner may authorize vendors whose tax 46434  
liability is not such as to merit monthly returns, as ascertained 46435  
by the commissioner upon the basis of administrative costs to the 46436  
state, to make and file returns at less frequent intervals. When 46437  
returns are filed at less frequent intervals in accordance with 46438  
such authorization, the vendor shall be allowed the discount 46439  
provided in this section in consideration for prompt payment with 46440  
the return, provided the return is filed together with payment of 46441  
the amount of tax shown to be due thereon, at the time specified 46442  
by the commissioner, but a vendor that has selected a certified 46443  
service provider as its agent shall not be entitled to the 46444  
discount. 46445

(D) Any vendor who fails to file a return or pay the full 46446  
amount of the tax shown on the return to be due under this section 46447  
and the rules of the commissioner may, for each such return the 46448  
vendor fails to file or each such tax the vendor fails to pay in 46449  
full as shown on the return within the period prescribed by this 46450  
section and the rules of the commissioner, be required to forfeit 46451  
and pay into the state treasury an additional charge not exceeding 46452  
fifty dollars or ten per cent of the tax required to be paid for 46453  
the reporting period, whichever is greater, as revenue arising 46454  
from the tax imposed by this chapter, and such sum may be 46455

collected by assessment in the manner provided in section 5739.13 46456  
of the Revised Code. The commissioner may remit all or a portion 46457  
of the additional charge and may adopt rules relating to the 46458  
imposition and remission of the additional charge. 46459

(E) If the amount required to be collected by a vendor from 46460  
consumers is in excess of the applicable percentage of the 46461  
vendor's receipts from sales that are taxable under section 46462  
5739.02 of the Revised Code, or in the case of sales subject to a 46463  
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 46464  
the Revised Code, in excess of the percentage equal to the 46465  
aggregate rate of such taxes and the tax levied by section 5739.02 46466  
of the Revised Code, such excess shall be remitted along with the 46467  
remittance of the amount of tax due under section 5739.10 of the 46468  
Revised Code. 46469

(F) The commissioner, if the commissioner deems it necessary 46470  
in order to insure the payment of the tax imposed by this chapter, 46471  
may require returns and payments to be made for other than monthly 46472  
periods. The returns shall be signed by the vendor or the vendor's 46473  
authorized agent. 46474

(G) Any vendor required to file a return and pay the tax 46475  
under this section, whose total payment equals or exceeds the 46476  
amount shown in division (A) of section 5739.122 of the Revised 46477  
Code, shall make each payment required by this section in the 46478  
second ensuing and each succeeding year by electronic funds 46479  
transfer as prescribed by, and on or before the dates specified 46480  
in, section 5739.122 of the Revised Code, except as otherwise 46481  
prescribed by that section. For a vendor that operates from 46482  
multiple locations or has multiple vendor's licenses, in 46483  
determining whether the vendor's total payment equals or exceeds 46484  
the amount shown in division (A) of that section, the vendor's 46485  
total payment amount shall be the amount of the vendor's total tax 46486  
liability for the previous calendar year for all of the vendor's 46487

locations or licenses. 46488

**Sec. 5739.21.** (A) ~~Four and two tenths~~ One hundred per cent of 46489  
all money deposited into the state treasury under sections 5739.01 46490  
to 5739.31 of the Revised Code and not required to be distributed 46491  
as provided in section 5739.102 of the Revised Code or division 46492  
(B) of this section shall be credited to ~~the local government fund~~ 46493  
~~for distribution in accordance with section 5747.50 of the Revised~~ 46494  
~~Code, six tenths of one per cent shall be credited to the local~~ 46495  
~~government revenue assistance fund for distribution in accordance~~ 46496  
~~with section 5747.61 of the Revised Code, and ninety five and~~ 46497  
~~two tenths per cent shall be credited to the general revenue fund.~~ 46498  
46499

(B)(1) In any case where any county or transit authority has 46500  
levied a tax or taxes pursuant to section 5739.021, 5739.023, or 46501  
5739.026 of the Revised Code, the tax commissioner shall, within 46502  
forty-five days after the end of each month, determine and certify 46503  
to the director of budget and management the amount of the 46504  
proceeds of such tax or taxes received during that month from 46505  
billings and assessments, or associated with tax returns or 46506  
reports filed during that month, to be returned to the county or 46507  
transit authority levying the tax or taxes. The amount to be 46508  
returned to each county and transit authority shall be a fraction 46509  
of the aggregate amount of money collected with respect to each 46510  
area in which one or more of such taxes are concurrently in effect 46511  
with the tax levied by section 5739.02 of the Revised Code. The 46512  
numerator of the fraction is the rate of the tax levied by the 46513  
county or transit authority and the denominator of the fraction is 46514  
the aggregate rate of such taxes applicable to such area. The 46515  
amount to be returned to each county or transit authority shall be 46516  
reduced by the amount of any refunds of county or transit 46517  
authority tax paid pursuant to section 5739.07 of the Revised Code 46518  
during the same month, or transfers made pursuant to division 46519

(B)(2) of section 5703.052 of the Revised Code. 46520

(2) On a periodic basis, using the best information 46521  
available, the tax commissioner shall distribute any amount of a 46522  
county or transit authority tax that cannot be distributed under 46523  
division (B)(1) of this section. Through audit or other means, the 46524  
commissioner shall attempt to obtain the information necessary to 46525  
make the distribution as provided under that division and, on 46526  
receipt of that information, shall make adjustments to 46527  
distributions previously made under this division. 46528

(C) The aggregate amount to be returned to any county or 46529  
transit authority shall be reduced by one per cent, which shall be 46530  
certified directly to the credit of the local sales tax 46531  
administrative fund, which is hereby created in the state 46532  
treasury. For the purpose of determining the amount to be returned 46533  
to a county and transit authority in which the rate of tax imposed 46534  
by the transit authority has been reduced under section 5739.028 46535  
of the Revised Code, the tax commissioner shall use the respective 46536  
rates of tax imposed by the county or transit authority that 46537  
results from the change in the rates authorized under that 46538  
section. 46539

(D) The director of budget and management shall transfer, 46540  
from the same funds and in the same proportions specified in 46541  
division (A) of this section, to the permissive tax distribution 46542  
fund created by division (B)(1) of section 4301.423 of the Revised 46543  
Code and to the local sales tax administrative fund, the amounts 46544  
certified by the tax commissioner. The tax commissioner shall 46545  
then, on or before the twentieth day of the month in which such 46546  
certification is made, provide for payment of such respective 46547  
amounts to the county treasurer and to the fiscal officer of the 46548  
transit authority levying the tax or taxes. The amount transferred 46549  
to the local sales tax administrative fund is for use by the tax 46550  
commissioner in defraying costs incurred in administering such 46551

taxes levied by a county or transit authority. 46552

Sec. 5739.213. Notwithstanding section 5739.21 or 5741.03 of 46553  
the Revised Code, of the revenue collected from the tax due under 46554  
division (A) of section 5739.029 of the Revised Code, an amount 46555  
equal to one-half per cent of the price of each transaction 46556  
subject to taxation under that division shall be distributed to 46557  
the county where the sale is sitused as provided in section 46558  
5739.035 of the Revised Code. The amount to be so distributed to 46559  
each county shall be credited to the funds of the county as 46560  
provided by divisions (A) and (B) of section 5739.211 of the 46561  
Revised Code. 46562

**Sec. 5741.02.** (A)(1) For the use of the general revenue fund 46563  
of the state, an excise tax is hereby levied on the storage, use, 46564  
or other consumption in this state of tangible personal property 46565  
or the benefit realized in this state of any service provided. The 46566  
tax shall be collected as provided in section 5739.025 of the 46567  
Revised Code, provided that on and after July 1, 2003, and on or 46568  
before June 30, 2005, the rate of the tax shall be six per cent. 46569  
On and after July 1, 2005, the rate of the tax shall be five and 46570  
one-half per cent. 46571

(2) In the case of the lease or rental, with a fixed term of 46572  
more than thirty days or an indefinite term with a minimum period 46573  
of more than thirty days, of any motor vehicles designed by the 46574  
manufacturer to carry a load of not more than one ton, watercraft, 46575  
outboard motor, or aircraft, or of any tangible personal property, 46576  
other than motor vehicles designed by the manufacturer to carry a 46577  
load of more than one ton, to be used by the lessee or renter 46578  
primarily for business purposes, the tax shall be collected by the 46579  
seller at the time the lease or rental is consummated and shall be 46580  
calculated by the seller on the basis of the total amount to be 46581  
paid by the lessee or renter under the lease or rental agreement. 46582

If the total amount of the consideration for the lease or rental 46583  
includes amounts that are not calculated at the time the lease or 46584  
rental is executed, the tax shall be calculated and collected by 46585  
the seller at the time such amounts are billed to the lessee or 46586  
renter. In the case of an open-end lease or rental, the tax shall 46587  
be calculated by the seller on the basis of the total amount to be 46588  
paid during the initial fixed term of the lease or rental, and for 46589  
each subsequent renewal period as it comes due. As used in this 46590  
division, "motor vehicle" has the same meaning as in section 46591  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 46592  
unit attached to the watercraft. 46593

(3) Except as provided in division (A)(2) of this section, in 46594  
the case of a transaction, the price of which consists in whole or 46595  
part of the lease or rental of tangible personal property, the tax 46596  
shall be measured by the installments of those leases or rentals. 46597

(B) Each consumer, storing, using, or otherwise consuming in 46598  
this state tangible personal property or realizing in this state 46599  
the benefit of any service provided, shall be liable for the tax, 46600  
and such liability shall not be extinguished until the tax has 46601  
been paid to this state; provided, that the consumer shall be 46602  
relieved from further liability for the tax if the tax has been 46603  
paid to a seller in accordance with section 5741.04 of the Revised 46604  
Code or prepaid by the seller in accordance with section 5741.06 46605  
of the Revised Code. 46606

(C) The tax does not apply to the storage, use, or 46607  
consumption in this state of the following described tangible 46608  
personal property or services, nor to the storage, use, or 46609  
consumption or benefit in this state of tangible personal property 46610  
or services purchased under the following described circumstances: 46611

(1) When the sale of property or service in this state is 46612  
subject to the excise tax imposed by sections 5739.01 to 5739.31 46613  
of the Revised Code, provided said tax has been paid; 46614

(2) Except as provided in division (D) of this section, 46615  
tangible personal property or services, the acquisition of which, 46616  
if made in Ohio, would be a sale not subject to the tax imposed by 46617  
sections 5739.01 to 5739.31 of the Revised Code; 46618

(3) Property or services, the storage, use, or other 46619  
consumption of or benefit from which this state is prohibited from 46620  
taxing by the Constitution of the United States, laws of the 46621  
United States, or the Constitution of this state. This exemption 46622  
shall not exempt from the application of the tax imposed by this 46623  
section the storage, use, or consumption of tangible personal 46624  
property that was purchased in interstate commerce, but that has 46625  
come to rest in this state, provided that fuel to be used or 46626  
transported in carrying on interstate commerce that is stopped 46627  
within this state pending transfer from one conveyance to another 46628  
is exempt from the excise tax imposed by this section and section 46629  
5739.02 of the Revised Code; 46630

(4) Transient use of tangible personal property in this state 46631  
by a nonresident tourist or vacationer, or a nonbusiness use 46632  
within this state by a nonresident of this state, if the property 46633  
so used was purchased outside this state for use outside this 46634  
state and is not required to be registered or licensed under the 46635  
laws of this state; 46636

(5) Tangible personal property or services rendered, upon 46637  
which taxes have been paid to another jurisdiction to the extent 46638  
of the amount of the tax paid to such other jurisdiction. Where 46639  
the amount of the tax imposed by this section and imposed pursuant 46640  
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 46641  
exceeds the amount paid to another jurisdiction, the difference 46642  
shall be allocated between the tax imposed by this section and any 46643  
tax imposed by a county or a transit authority pursuant to section 46644  
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 46645  
to the respective rates of such taxes. 46646

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.

(9) Cigarettes that have a wholesale value of three hundred dollars or less used, stored, or consumed, but not for resale, in any month and in any county that shares a border with a state in which the total rate of excise tax on the sale or use of cigarettes exceeds the rate imposed under sections 5743.02 and 5743.32 of the Revised Code by at least forty-five mills per cigarette.

(10) Tangible personal property held for sale by a person but 46679  
not for that person's own use and donated by that person, without 46680  
charge or other compensation, to either of the following: 46681

(a) A nonprofit organization operated exclusively for 46682  
charitable purposes in this state, no part of the net income of 46683  
which inures to the benefit of any private shareholder or 46684  
individual and no substantial part of the activities of which 46685  
consists of carrying on propaganda or otherwise attempting to 46686  
influence legislation; or 46687

(b) This state or any political subdivision of this state, 46688  
but only if donated for exclusively public purposes. 46689

For the purposes of division (C)~~(10)~~(9) of this section, 46690  
"charitable purposes" has the same meaning as in division (B)(12) 46691  
of section 5739.02 of the Revised Code. 46692

(D) The tax applies to the storage, use, or other consumption 46693  
in this state of tangible personal property or services, the 46694  
acquisition of which at the time of sale was excepted under 46695  
division (E) of section 5739.01 of the Revised Code from the tax 46696  
imposed by section 5739.02 of the Revised Code, but which has 46697  
subsequently been temporarily or permanently stored, used, or 46698  
otherwise consumed in a taxable manner. 46699

(E)(1)(a) If any transaction is claimed to be exempt under 46700  
division (E) of section 5739.01 of the Revised Code or under 46701  
section 5739.02 of the Revised Code, with the exception of 46702  
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 46703  
Code, the consumer shall provide to the seller, and the seller 46704  
shall obtain from the consumer, a certificate specifying the 46705  
reason that the transaction is not subject to the tax. The 46706  
certificate shall be in such form, and shall be provided either in 46707  
a hard copy form or electronic form, as the tax commissioner 46708  
prescribes. 46709

(b) A seller that obtains a fully completed exemption certificate from a consumer is relieved of liability for collecting and remitting tax on any sale covered by that certificate. If it is determined the exemption was improperly claimed, the consumer shall be liable for any tax due on that sale under this chapter. Relief under this division from liability does not apply to any of the following:

(i) A seller that fraudulently fails to collect tax;

(ii) A seller that solicits consumers to participate in the unlawful claim of an exemption;

(iii) A seller that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the seller in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state;

(iv) A seller that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software.

(2) The seller shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.

(3) If no certificate is provided or obtained within ninety days after the date on which the transaction is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a seller, within one hundred twenty days after the tax commissioner gives

written notice of intent to levy an assessment, from either 46741  
establishing that the transaction is not subject to the tax, or 46742  
obtaining, in good faith, a fully completed exemption certificate. 46743

(4) If a transaction is claimed to be exempt under division 46744  
(B)(13) of section 5739.02 of the Revised Code, the contractor 46745  
shall obtain certification of the claimed exemption from the 46746  
contractee. This certification shall be in addition to an 46747  
exemption certificate provided by the contractor to the seller. A 46748  
contractee that provides a certification under this division shall 46749  
be deemed to be the consumer of all items purchased by the 46750  
contractor under the claim of exemption, if it is subsequently 46751  
determined that the exemption is not properly claimed. The 46752  
certification shall be in such form as the tax commissioner 46753  
prescribes. 46754

(F) A seller who files a petition for reassessment contesting 46755  
the assessment of tax on transactions for which the seller 46756  
obtained no valid exemption certificates, and for which the seller 46757  
failed to establish that the transactions were not subject to the 46758  
tax during the one-hundred-twenty-day period allowed under 46759  
division (E) of this section, may present to the tax commissioner 46760  
additional evidence to prove that the transactions were exempt. 46761  
The seller shall file such evidence within ninety days of the 46762  
receipt by the seller of the notice of assessment, except that, 46763  
upon application and for reasonable cause, the tax commissioner 46764  
may extend the period for submitting such evidence thirty days. 46765

(G) For the purpose of the proper administration of sections 46766  
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 46767  
of the tax hereby levied, it shall be presumed that any use, 46768  
storage, or other consumption of tangible personal property in 46769  
this state is subject to the tax until the contrary is 46770  
established. 46771

(H) The tax collected by the seller from the consumer under 46772

this chapter is not part of the price, but is a tax collection for 46773  
the benefit of the state, and of counties levying an additional 46774  
use tax pursuant to section 5741.021 or 5741.023 of the Revised 46775  
Code and of transit authorities levying an additional use tax 46776  
pursuant to section 5741.022 of the Revised Code. Except for the 46777  
discount authorized under section 5741.12 of the Revised Code and 46778  
the effects of any rounding pursuant to section 5703.055 of the 46779  
Revised Code, no person other than the state or such a county or 46780  
transit authority shall derive any benefit from the collection of 46781  
such tax. 46782

**Sec. 5741.03.** (A) ~~Four and two tenths~~ One hundred per cent of 46783  
all money deposited into the state treasury under sections 5741.01 46784  
to 5741.22 of the Revised Code that is not required to be 46785  
distributed as provided in division (B) of this section shall be 46786  
credited to ~~the local government fund for distribution in~~ 46787  
~~accordance with section 5747.50 of the Revised Code, six tenths of~~ 46788  
~~one per cent shall be credited to the local government revenue~~ 46789  
~~assistance fund for distribution in accordance with section~~ 46790  
~~5747.61 of the Revised Code, and ninety five and two tenths per~~ 46791  
~~cent shall be credited to the general revenue fund.~~ 46792

(B) In any case where any county or transit authority has 46793  
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 46794  
5741.023 of the Revised Code, the tax commissioner shall, within 46795  
forty-five days after the end of each month, determine and certify 46796  
to the director of budget and management the amount of the 46797  
proceeds of such tax or taxes from billings and assessments 46798  
received during that month, or shown on tax returns or reports 46799  
filed during that month, to be returned to the county or transit 46800  
authority levying the tax or taxes, which amounts shall be 46801  
determined in the manner provided in section 5739.21 of the 46802  
Revised Code. The director of budget and management shall 46803  
transfer, from the same funds and in the same proportions 46804

specified in division (A) of this section, to the permissive tax 46805  
distribution fund created by division (B)(1) of section 4301.423 46806  
of the Revised Code and to the local sales tax administrative fund 46807  
created by division ~~(B)~~(C) of section 5739.21 of the Revised Code, 46808  
the amounts certified by the tax commissioner. The tax 46809  
commissioner shall then, on or before the twentieth day of the 46810  
month in which such certification is made, provide for payment of 46811  
such respective amounts to the county treasurer or to the fiscal 46812  
officer of the transit authority levying the tax or taxes. The 46813  
amount transferred to the local sales tax administrative fund is 46814  
for use by the tax commissioner in defraying costs the 46815  
commissioner incurs in administering such taxes levied by a county 46816  
or transit authority. 46817

**Sec. 5743.01.** As used in this chapter: 46818

(A) "Person" includes individuals, firms, partnerships, 46819  
associations, joint-stock companies, corporations, combinations of 46820  
individuals of any form, and the state and any of its political 46821  
subdivisions. 46822

(B) "Wholesale dealer" includes only those persons: 46823

(1) Who bring in or cause to be brought into this state 46824  
unstamped cigarettes purchased directly from the manufacturer, 46825  
producer, or importer of cigarettes for sale in this state but 46826  
does not include persons who bring in or cause to be brought into 46827  
this state cigarettes with respect to which no evidence of tax 46828  
payment is required thereon as provided in section 5743.04 of the 46829  
Revised Code; or 46830

(2) Who are engaged in the business of selling cigarettes or 46831  
tobacco products to others for the purpose of resale. 46832

"Wholesale dealer" does not include any cigarette 46833  
manufacturer, export warehouse proprietor, or importer with a 46834

valid permit under 26 U.S.C. 5713 if that person sells cigarettes 46835  
in this state only to wholesale dealers holding valid and current 46836  
licenses under section 5743.15 of the Revised Code or to an export 46837  
warehouse proprietor or another manufacturer. 46838

(C) "Retail dealer" includes: 46839

(1) In reference to dealers in cigarettes, every person other 46840  
than a wholesale dealer engaged in the business of selling 46841  
cigarettes in this state, regardless of whether the person is 46842  
located in this state or elsewhere, and regardless of quantity, 46843  
amount, or number of sales; 46844

(2) In reference to dealers in tobacco products, any person 46845  
in this state engaged in the business of selling tobacco products 46846  
to ultimate consumers in this state, regardless of quantity, 46847  
amount, or number of sales. 46848

(D) "Sale" includes exchange, barter, gift, offer for sale, 46849  
and distribution, and includes transactions in interstate or 46850  
foreign commerce. 46851

(E) "Cigarettes" includes any roll for smoking made wholly or 46852  
in part of tobacco, irrespective of size or shape, and whether or 46853  
not such tobacco is flavored, adulterated, or mixed with any other 46854  
ingredient, the wrapper or cover of which is made of paper, 46855  
reconstituted cigarette tobacco, homogenized cigarette tobacco, 46856  
cigarette tobacco sheet, or any similar materials other than cigar 46857  
tobacco. 46858

(F) "Package" means the individual package, box, or other 46859  
container in or from which retail sales of cigarettes are normally 46860  
made or intended to be made. 46861

(G) "Stamp" includes an impression made by a metering device 46862  
as provided for in section 5743.04 of the Revised Code. 46863

(H) "Storage" includes any keeping or retention of cigarettes 46864

or tobacco products for use or consumption in this state. 46865

(I) "Use" includes the exercise of any right or power 46866  
incidental to the ownership of cigarettes or tobacco products. 46867

(J) "Tobacco product" or "other tobacco product" means any 46868  
product made from tobacco, other than cigarettes, that is made for 46869  
smoking or chewing, or both, and snuff. 46870

(K) "Wholesale price" means the invoice price, including all 46871  
federal excise taxes, at which the manufacturer of the tobacco 46872  
product sells the tobacco product to unaffiliated distributors, 46873  
excluding any discounts based on the method of payment of the 46874  
invoice or on time of payment of the invoice. If the taxpayer buys 46875  
from other than a manufacturer, "wholesale price" means the 46876  
invoice price, including all federal excise taxes and excluding 46877  
any discounts based on the method of payment of the invoice or on 46878  
time of payment of the invoice. 46879

(L) "Distributor" means: 46880

(1) Any manufacturer who sells, barter, exchanges, or 46881  
distributes tobacco products to a retail dealer in the state, 46882  
except when selling to a retail dealer that has filed with the 46883  
manufacturer a signed statement agreeing to pay and be liable for 46884  
the tax imposed by section 5743.51 of the Revised Code; 46885

(2) Any wholesale dealer located in the state who receives 46886  
tobacco products from a manufacturer, or who receives tobacco 46887  
products on which the tax imposed by this chapter has not been 46888  
paid; 46889

(3) Any wholesale dealer located outside the state who sells, 46890  
barter, exchanges, or distributes tobacco products to a wholesale 46891  
or retail dealer in the state; or 46892

(4) Any retail dealer who receives tobacco products on which 46893  
the tax has not or will not be paid by another distributor, 46894

including a retail dealer that has filed a signed statement with a manufacturer in which the retail dealer agrees to pay and be liable for the tax that would otherwise be imposed on the manufacturer by section 5743.51 of the Revised Code.

(M) "Taxpayer" means any person liable for the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code.

(N) "Seller" means any person located outside this state engaged in the business of selling tobacco products to consumers for storage, use, or other consumption in this state.

(O) "Manufacturer" means any person who manufactures and sells cigarettes or tobacco products.

(P) "Importer" means any person that ~~imports~~ is authorized, under a valid permit issued under Section 5713 of the Internal Revenue Code, to import finished cigarettes into the United States, either directly or indirectly.

**Sec. 5743.20.** No person shall sell any cigarettes both as a retail dealer and as a wholesale dealer at the same place of business. No person other than a licensed wholesale dealer shall sell cigarettes to a licensed retail dealer. No retail dealer shall purchase cigarettes from any person other than a licensed wholesale dealer.

Subject to section 5743.031 of the Revised Code, a licensed wholesale dealer may not sell cigarettes to any person in this state other than a licensed retail dealer, except a licensed wholesale dealer may sell cigarettes to another licensed wholesale dealer if the tax commissioner has authorized the sale of the cigarettes between those wholesale dealers and the wholesale dealer that sells the cigarettes received them directly from a licensed manufacturer or licensed importer.

The tax commissioner shall adopt rules governing sales of

cigarettes between licensed wholesale dealers, including rules 46925  
establishing criteria for authorizing such sales. 46926

No manufacturer or importer shall sell cigarettes to any 46927  
person in this state other than to a licensed wholesale dealer or 46928  
licensed importer. No importer shall purchase cigarettes from any 46929  
person other than a licensed manufacturer or licensed importer. 46930

A retail dealer may purchase other tobacco products only from 46931  
a licensed distributor. A licensed distributor may sell tobacco 46932  
products only to a retail dealer, except a licensed distributor 46933  
may sell tobacco products to another licensed distributor if the 46934  
tax commissioner has authorized the sale of the tobacco products 46935  
between those distributors and the distributor that sells the 46936  
tobacco products received them directly from a manufacturer or 46937  
importer of tobacco products. 46938

The tax commissioner may adopt rules governing sales of 46939  
tobacco products between licensed distributors, including rules 46940  
establishing criteria for authorizing such sales. 46941

The identities of ~~licensed distributors~~ cigarette 46942  
manufacturers and importers, licensed cigarette wholesalers, 46943  
licensed distributors of other tobacco products, and registered 46944  
manufacturers, importers, and brokers of other tobacco products 46945  
are subject to public disclosure. The tax commissioner shall 46946  
maintain an alphabetical list of all such ~~distributors~~ 46947  
manufacturers, importers, wholesalers, distributors, and brokers, 46948  
shall post the list on a web site accessible to the public through 46949  
the internet, and shall periodically update the web site posting. 46950

As used in this section, "licensed" means the manufacturer, 46951  
importer, wholesale dealer, ~~retail dealer,~~ or distributor holds a 46952  
current and valid license issued under section 5743.15 or 5743.61 46953  
of the Revised Code, and "registered" means registered with the 46954  
tax commissioner under section 5743.66 of the Revised Code. 46955

**Sec. 5743.331.** Notwithstanding any other section in this 46956  
chapter to the contrary, a person may use, store, or consume 46957  
cigarettes with a wholesale value of not more than three hundred 46958  
dollars in any month and not for resale in any qualifying border 46959  
county without incurring liability for any tax levied under this 46960  
chapter, and is not required to file any return that otherwise 46961  
would be required under this chapter. 46962

As used in this section, "qualifying border county" is any 46963  
county that shares a border with a state in which the total rate 46964  
of excise tax on the sale or use of cigarettes exceeds the rate 46965  
imposed by sections 5743.02 and 5743.32 of the Revised Code by at 46966  
least forty-five mills per cigarette. 46967

**Sec. 5745.02.** (A) The annual report filed under section 46968  
5745.03 of the Revised Code determines a taxpayer's Ohio net 46969  
income and the portion of Ohio net income to be apportioned to a 46970  
municipal corporation. 46971

(B) A taxpayer's Ohio net income is determined by multiplying 46972  
the taxpayer's adjusted federal taxable income by the sum of the 46973  
property factor multiplied by one-third, the payroll factor 46974  
multiplied by one-third, and the sales factor multiplied by 46975  
one-third. If the denominator of one of the factors is zero, the 46976  
remaining two factors each shall be multiplied by one-half instead 46977  
of one-third; if the denominator of two of the factors is zero, 46978  
the remaining factor shall be multiplied by one. The property, 46979  
payroll, and sales factors shall be determined in the manner 46980  
prescribed by divisions (B)(1), (2), and (3) of this section. 46981

(1) The property factor is a fraction, the numerator of which 46982  
is the average value of the taxpayer's real and tangible personal 46983  
property owned or rented, and used in business in this state 46984  
during the taxable year, and the denominator of which is the 46985

average value of all the taxpayer's real and tangible personal 46986  
property owned or rented, and used in business everywhere during 46987  
such year. Property owned by the taxpayer is valued at its 46988  
original cost. Property rented by the taxpayer is valued at eight 46989  
times the net annual rental rate. "Net annual rental rate" means 46990  
the annual rental rate paid by the taxpayer less any annual rental 46991  
rate received by the taxpayer from subrentals. The average value 46992  
of property shall be determined by averaging the values at the 46993  
beginning and the end of the taxable year, but the tax 46994  
commissioner may require the averaging of monthly values during 46995  
the taxable year, if reasonably required to reflect properly the 46996  
average value of the taxpayer's property. 46997

(2) The payroll factor is a fraction, the numerator of which 46998  
is the total amount paid in this state during the taxable year by 46999  
the taxpayer for compensation, and the denominator of which is the 47000  
total compensation paid everywhere by the taxpayer during such 47001  
year. Compensation means any form of remuneration paid to an 47002  
employee for personal services. Compensation is paid in this state 47003  
if: (a) the recipient's service is performed entirely within this 47004  
state, (b) the recipient's service is performed both within and 47005  
without this state, but the service performed without this state 47006  
is incidental to the recipient's service within this state, or (c) 47007  
some of the service is performed within this state and either the 47008  
base of operations, or if there is no base of operations, the 47009  
place from which the service is directed or controlled is within 47010  
this state, or the base of operations or the place from which the 47011  
service is directed or controlled is not in any state in which 47012  
some part of the service is performed, but the recipient's 47013  
residence is in this state. 47014

(3) The sales factor is a fraction, the numerator of which is 47015  
the total sales in this state by the taxpayer during the taxable 47016  
year, and the denominator of which is the total sales by the 47017

taxpayer everywhere during such year. Sales of electricity shall 47018  
be situated to this state in the manner provided under section 47019  
5733.059 of the Revised Code. In determining the numerator and 47020  
denominator of the sales factor, receipts from the sale or other 47021  
disposal of a capital asset or an asset described in section 1231 47022  
of the Internal Revenue Code shall be eliminated. Also, in 47023  
determining the numerator and denominator of the sales factor, in 47024  
the case of a reporting taxpayer owning at least eighty per cent 47025  
of the issued and outstanding common stock of one or more 47026  
insurance companies or public utilities, except an electric 47027  
company, a combined company, or a telephone company, or owning at 47028  
least twenty-five per cent of the issued and outstanding common 47029  
stock of one or more financial institutions, receipts received by 47030  
the reporting taxpayer from such utilities, insurance companies, 47031  
and financial institutions shall be eliminated. 47032

For the purpose of division (B)(3) of this section, sales of 47033  
tangible personal property are in this state where such property 47034  
is received in this state by the purchaser. In the case of 47035  
delivery of tangible personal property by common carrier or by 47036  
other means of transportation, the place at which such property is 47037  
ultimately received after all transportation has been completed 47038  
shall be considered as the place at which such property is 47039  
received by the purchaser. Direct delivery in this state, other 47040  
than for purposes of transportation, to a person or firm 47041  
designated by a purchaser constitutes delivery to the purchaser in 47042  
this state, and direct delivery outside this state to a person or 47043  
firm designated by a purchaser does not constitute delivery to the 47044  
purchaser in this state, regardless of where title passes or other 47045  
conditions of sale. 47046

Sales, other than sales of electricity or tangible personal 47047  
property, are in this state if either the income-producing 47048  
activity is performed solely in this state, or the 47049

income-producing activity is performed both within and without 47050  
this state and a greater proportion of the income-producing 47051  
activity is performed within this state than in any other state, 47052  
based on costs of performance. 47053

For the purposes of division (B)(3) of this section, the tax 47054  
commissioner may adopt rules to apportion sales within this state. 47055

(C) The portion of a taxpayer's Ohio net income taxable by 47056  
each municipal corporation imposing an income tax shall be 47057  
determined by multiplying the taxpayer's Ohio net income by the 47058  
sum of the municipal property factor multiplied by one-third, the 47059  
municipal payroll factor multiplied by one-third, and the 47060  
municipal sales factor multiplied by one-third, and subtracting 47061  
from the product so obtained any "municipal net operating loss 47062  
carryforward from prior taxable years." If the denominator of one 47063  
of the factors is zero, the remaining two factors each shall be 47064  
multiplied by one-half instead of one-third; if the denominator of 47065  
two of the factors is zero, the remaining factor shall be 47066  
multiplied by one. In calculating the "municipal net operating 47067  
loss carryforward from prior taxable years" for each municipal 47068  
corporation, net operating losses are apportioned in and out of a 47069  
municipal corporation for the taxable year in which the net 47070  
operating loss occurs in the same manner that positive net income 47071  
would have been so apportioned. Any net operating loss for a 47072  
municipal corporation may be applied to subsequent net income in 47073  
that municipal corporation to reduce that income to zero or until 47074  
the net operating loss has been fully used as a deduction. The 47075  
unused portion of net operating losses for each taxable year 47076  
apportioned to a municipal corporation may only be applied against 47077  
the income apportioned to that municipal corporation for five 47078  
subsequent taxable years. Net operating losses occurring in 47079  
taxable years ending before 2002 may not be subtracted under this 47080  
section. 47081

A taxpayer's municipal property, municipal payroll, and 47082  
municipal sales factors for a municipal corporation shall be 47083  
determined as provided in divisions (C)(1), (2), and (3) of this 47084  
section. 47085

(1) The municipal property factor is the quotient obtained by 47086  
dividing (a) the average value of real and tangible personal 47087  
property owned or rented by the taxpayer and used in business in 47088  
the municipal corporation during the taxable year by (b) the 47089  
average value of all of the taxpayer's real and tangible personal 47090  
property owned or rented and used in business during that taxable 47091  
year in this state. The value and average value of such property 47092  
shall be determined in the same manner provided in division (B)(1) 47093  
of this section. 47094

(2) The municipal payroll factor is the quotient obtained by 47095  
dividing (a) the total amount of compensation earned in the 47096  
municipal corporation by the taxpayer's employees during the 47097  
taxable year for services performed for the taxpayer and that is 47098  
subject to income tax withholding by the municipal corporation by 47099  
(b) the total amount of compensation paid by the taxpayer to its 47100  
employees in this state during the taxable year. Compensation has 47101  
the same meaning as in division (B)(2) of this section. 47102

(3) The municipal sales factor is a fraction, the numerator 47103  
of which is the taxpayer's total sales in a municipal corporation 47104  
during the taxable year, and the denominator of which is the 47105  
taxpayer's total sales in this state during such year. 47106

For the purpose of division (C)(3) of this section, sales of 47107  
tangible personal property are in the municipal corporation where 47108  
such property is received in the municipal corporation by the 47109  
purchaser. Sales of electricity directly to the ~~consumer~~ customer, 47110  
as defined in section 5733.059 of the Revised Code, shall be 47111  
considered sales of tangible personal property. In the case of the 47112  
delivery of tangible personal property by common carrier or by 47113

other means of transportation, the place at which such property 47114  
ultimately is received after all transportation has been completed 47115  
shall be considered as the place at which the property is received 47116  
by the purchaser. Direct delivery in the municipal corporation, 47117  
other than for purposes of transportation, to a person or firm 47118  
designated by a purchaser constitutes delivery to the purchaser in 47119  
that municipal corporation, and direct delivery outside the 47120  
municipal corporation to a person or firm designated by a 47121  
purchaser does not constitute delivery to the purchaser in that 47122  
municipal corporation, regardless of where title passes or other 47123  
conditions of sale. Sales, other than sales of tangible personal 47124  
property, are in the municipal corporation if either: 47125

(a) The income-producing activity is performed solely in the 47126  
municipal corporation; 47127

(b) The income-producing activity is performed both within 47128  
and without the municipal corporation and a greater proportion of 47129  
the income-producing activity is performed within that municipal 47130  
corporation than any other location in this state, based on costs 47131  
of performance. 47132

For the purposes of division (C)(3) of this section, the tax 47133  
commissioner may adopt rules to apportion sales within each 47134  
municipal corporation. 47135

(D) If a taxpayer is a combined company as defined in section 47136  
5727.01 of the Revised Code, the municipal property, payroll, and 47137  
sales factors under division (C) of this section shall be adjusted 47138  
as follows: 47139

(1) The numerator of the municipal property factor shall 47140  
include only the value, as determined under division (C)(1) of 47141  
this section, of the company's real and tangible property in the 47142  
municipal corporation attributed to the company's activity as an 47143  
electric company using the same methodology prescribed under 47144

section 5727.03 of the Revised Code for taxable tangible personal 47145  
property. 47146

(2) The numerator of the municipal payroll factor shall 47147  
include only compensation paid in the municipal corporation by the 47148  
company to its employees for personal services rendered in the 47149  
company's activity as an electric company. 47150

(3) The numerator of the municipal sales factor shall include 47151  
only the sales of tangible personal property and services, as 47152  
determined under division (C)(3) of this section, made in the 47153  
municipal corporation in the course of the company's activity as 47154  
an electric company. 47155

(E)(1) If the provisions for apportioning adjusted federal 47156  
taxable income or Ohio net income under divisions (B), (C), and 47157  
(D) of this section do not fairly represent business activity in 47158  
this state or among municipal corporations, the tax commissioner 47159  
may adopt rules for apportioning such income by an alternative 47160  
method that fairly represents business activity in this state or 47161  
among municipal corporations. 47162

(2) If any of the factors determined under division (B), (C), 47163  
or (D) of this section does not fairly represent the extent of a 47164  
taxpayer's business activity in this state or among municipal 47165  
corporations, the taxpayer may request, or the tax commissioner 47166  
may require, that the taxpayer's adjusted federal taxable income 47167  
or Ohio net income be determined by an alternative method, 47168  
including any of the alternative methods enumerated in division 47169  
(B)(2)(d) of section 5733.05 of the Revised Code. A taxpayer 47170  
requesting an alternative method shall make the request in writing 47171  
to the tax commissioner either with the annual report, a timely 47172  
filed amended report, or a timely filed petition for reassessment. 47173  
When the tax commissioner requires or permits an alternative 47174  
method under division (E)(2) of this section, the tax commissioner 47175  
shall cause a written notice to that effect to be delivered to any 47176

municipal corporation that would be affected by application of the 47177  
alternative method. Nothing in this division shall be construed to 47178  
extend any statute of limitations under this chapter. 47179

(F)(1) The tax commissioner may adopt rules providing for the 47180  
combination of adjusted federal taxable incomes of taxpayers 47181  
satisfying the ownership or control requirements of section 47182  
5733.052 of the Revised Code if the tax commissioner finds that 47183  
such combinations are necessary to properly reflect adjusted 47184  
federal taxable income, Ohio net income, or the portion of Ohio 47185  
net income to be taxable by municipal corporations. 47186

(2) A taxpayer satisfying the ownership or control 47187  
requirements of section 5733.052 of the Revised Code with respect 47188  
to one or more other taxpayers may not combine their adjusted 47189  
federal taxable incomes for the purposes of this section unless 47190  
rules are adopted under division (F)(1) of this section allowing 47191  
such a combination or the tax commissioner finds that such a 47192  
combination is necessary to properly reflect the taxpayers' 47193  
adjusted federal taxable incomes, Ohio net incomes, or the portion 47194  
of Ohio net incomes to be subject to taxation within a municipal 47195  
corporation. 47196

(G) The tax commissioner may adopt rules providing for 47197  
alternative apportionment methods for a telephone company. 47198

**Sec. 5745.05.** (A) Prior to the first day of March, June, 47199  
September, and December, the tax commissioner shall certify to the 47200  
director of budget and management the amount to be paid to each 47201  
municipal corporation, as indicated on the declaration of 47202  
estimated tax reports and annual reports received under sections 47203  
5745.03 and 5745.04 of the Revised Code, less any amounts 47204  
previously distributed and net of any audit adjustments made by 47205  
the tax commissioner. Not later than the first day of March, June, 47206  
September, and December, the director of budget and management 47207

shall provide for payment of the amount certified to each 47208  
municipal corporation from the municipal income tax fund, plus a 47209  
pro rata share of any investment earnings accruing to the fund 47210  
since the previous payment under this section apportioned among 47211  
municipal corporations entitled to such payments in proportion to 47212  
the amount certified by the tax commissioner. 47213

(B) If the tax commissioner determines that the amount of tax 47214  
paid by a taxpayer and distributed to a municipal corporation 47215  
under this section for a taxable year exceeds the amount payable 47216  
to that municipal corporation under this chapter after accounting 47217  
for amounts remitted with the annual report and as estimated 47218  
taxes, the tax commissioner shall permit the taxpayer to credit 47219  
the excess against the taxpayer's payments to the municipal 47220  
corporation of estimated taxes remitted for an ensuing taxable 47221  
year under section 5745.04 of the Revised Code. If, upon the 47222  
written request of the taxpayer, the tax commissioner determines 47223  
that the excess to be so credited is likely to exceed the amount 47224  
of estimated taxes payable by the taxpayer to the municipal 47225  
corporation during the ensuing twelve months, the tax commissioner 47226  
shall so notify the municipal corporation and the municipal 47227  
corporation shall issue a refund of the excess to the taxpayer 47228  
within ninety days after receiving such a notice. Interest shall 47229  
accrue on the amount to be refunded and is payable to the taxpayer 47230  
at the rate per annum prescribed by section 5703.47 of the Revised 47231  
Code from the ninety-first day after the notice is received by the 47232  
municipal corporation until the day the refund is paid. 47233

Immediately after notifying a municipal corporation under this 47234  
division of an excess to be refunded, the commissioner also shall 47235  
notify the director of budget and management of the amount of the 47236  
excess, and the director shall transfer from the municipal income 47237  
tax administrative fund to the municipal income tax fund one and 47238  
one-half per cent of the amount of the excess. The commissioner 47239  
shall include the transferred amount in the computation of the 47240

amount due the municipal corporation in the next certification to 47241  
the director under division (A) of this section. 47242

**Sec. 5745.13.** If, upon examination of any books, records, 47243  
reports, or other documents of a taxpayer, the tax commissioner 47244  
determines that an adjustment shall be made in the portion of the 47245  
taxpayer's income that is to be apportioned to a municipal 47246  
corporation, the tax commissioner shall notify the taxpayer and, 47247  
if the adjustment causes an adjustment in the taxpayer's tax owed 47248  
to a municipal corporation for the taxpayer's taxable year of more 47249  
than five hundred dollars, shall notify ~~each affected~~ that 47250  
municipal corporation that the taxpayer's tax has been adjusted. 47251

Any municipal corporation to which such a notice is issued 47252  
may request a review and redetermination of the taxpayer's federal 47253  
taxable income, Ohio net income, or the portion of Ohio net income 47254  
apportioned to the municipal corporation by filing a petition with 47255  
the tax commissioner not later than sixty days after the tax 47256  
commissioner issues the notice. The petition shall be filed either 47257  
personally or by certified mail, and shall indicate the objections 47258  
of the municipal corporation. 47259

Upon receiving such a petition, if a hearing is requested the 47260  
tax commissioner shall assign a time and place for a hearing on 47261  
the petition and shall notify the petitioner of the time and place 47262  
of the hearing by ordinary mail. The tax commissioner may continue 47263  
the hearing from time to time as necessary. The tax commissioner 47264  
shall make any correction to the taxpayer's federal taxable 47265  
income, Ohio net income, or apportionment of Ohio net income that 47266  
the commissioner finds proper, and issue notice of any correction 47267  
by ordinary mail to the petitioner, to each other municipal 47268  
corporation affected by the correction of the apportionment, and 47269  
to the taxpayer. The tax commissioner's decision on the matter is 47270  
final, and is not subject to further appeal. 47271

**Sec. 5747.03.** (A) All money collected under this chapter 47272  
arising from the taxes imposed by section 5747.02 or 5747.41 of 47273  
the Revised Code shall be credited to the general revenue fund, 47274  
except that the treasurer of state shall: 47275

~~(1) Credit an amount equal to four and two tenths per cent of 47276  
those taxes collected under this chapter to the local government 47277  
fund, which is hereby created in the state treasury, for 47278  
distribution in accordance with section 5747.50 of the Revised 47279  
Code; 47280~~

~~(2) Credit an amount equal to five and seven tenths per cent 47281  
of those taxes collected under this chapter to the library and 47282  
local government support fund, which is hereby created in the 47283  
state treasury, for distribution in accordance with section 47284  
5747.47 of the Revised Code; 47285~~

~~(3) At, at the beginning of each calendar quarter, credit to 47286  
the Ohio political party fund, pursuant to section 3517.16 of the 47287  
Revised Code, an amount equal to the total dollar value realized 47288  
from the taxpayer exercise of the income tax checkoff option on 47289  
tax forms processed during the preceding calendar quarter; 47290~~

~~(4) Credit an amount equal to six tenths of one per cent of 47291  
those taxes collected under this chapter to the local government 47292  
revenue assistance fund for distribution in accordance with 47293  
section 5747.61 of the Revised Code. 47294~~

(B)(1) Following the crediting of moneys pursuant to division 47295  
(A) of this section, the remainder deposited in the general 47296  
revenue fund shall be distributed pursuant to division (F) of 47297  
section 321.24 and section 323.156 of the Revised Code; to make 47298  
subsidy payments to institutions of higher education from 47299  
appropriations to the Ohio board of regents; to support 47300  
expenditures for programs and services for the mentally ill, 47301  
mentally retarded, developmentally disabled, and elderly; for 47302

primary and secondary education; for medical assistance; and for 47303  
any other purposes authorized by law, subject to the limitation 47304  
that at least fifty per cent of the income tax collected by the 47305  
state from the tax imposed by section 5747.02 of the Revised Code 47306  
shall be returned pursuant to Section 9 of Article XII, Ohio 47307  
Constitution. 47308

(2) To ensure that such constitutional requirement is 47309  
satisfied the tax commissioner shall, on or before the thirtieth 47310  
day of June of each year, from the best information available to 47311  
the tax commissioner, determine and certify for each county to the 47312  
director of budget and management the amount of taxes collected 47313  
under this chapter from the tax imposed under section 5747.02 of 47314  
the Revised Code during the preceding calendar year that are 47315  
required to be returned to the county by Section 9 of Article XII, 47316  
Ohio Constitution. The director shall provide for payment from the 47317  
general revenue fund to the county in the amount, if any, that the 47318  
sum of the amount so certified for that county exceeds the sum of 47319  
the following: 47320

(a) The sum of the payments from the general revenue fund for 47321  
the preceding calendar year credited to the ~~credit of the~~ county's 47322  
undivided income tax fund pursuant to division (F) of section 47323  
321.24 and section 323.156 of the Revised Code or made directly 47324  
from the general revenue fund to political subdivisions located in 47325  
the county; 47326

(b) The sum of the amounts from the general revenue fund 47327  
distributed in the county during the preceding calendar year for 47328  
subsidy payments to institutions of higher education from 47329  
appropriations to the Ohio board of regents; for programs and 47330  
services for mentally ill, mentally retarded, developmentally 47331  
disabled, and elderly persons; for primary and secondary 47332  
education; and for medical assistance. 47333

(c) ~~The~~ In the case of payments made by the director under 47334

this division in 2007, the total amount distributed to the county 47335  
during the preceding calendar year from the local government fund 47336  
and the local government revenue assistance fund, and, in the case 47337  
of payments made by the director under this division in subsequent 47338  
calendar years, the amount distributed to the county from the 47339  
local communities fund; 47340

(d) ~~The~~ In the case of payments made by the director under 47341  
this division in 2007, the total amount distributed to the county 47342  
during the preceding calendar year from the library and local 47343  
government support fund; 47344

~~(e) The amount distributed to the county during the preceding~~ 47345  
~~calendar year from the local government revenue assistance fund~~ 47346  
~~and, in the case of payments made by the director under this~~ 47347  
~~division in subsequent calendar years, the amount distributed to~~ 47348  
~~the county from the local libraries fund.~~ 47349

Payments under this division shall be credited to the 47350  
county's undivided income tax fund, except that, notwithstanding 47351  
section 5705.14 of the Revised Code, such payments may be 47352  
transferred by the board of county commissioners to the county 47353  
general fund by resolution adopted with the affirmative vote of 47354  
two-thirds of the members thereof. 47355

(C) All payments received in each month from taxes imposed 47356  
under Chapter 5748. of the Revised Code and any penalties or 47357  
interest thereon shall be paid into the school district income tax 47358  
fund, which is hereby created in the state treasury, except that 47359  
an amount equal to the following portion of such payments shall be 47360  
paid into the general school district income tax administrative 47361  
fund, which is hereby created in the state treasury: 47362

(1) One and three-quarters of one per cent of those received 47363  
in fiscal year 1996; 47364

(2) One and one-half per cent of those received in fiscal 47365

year 1997 and thereafter. 47366

Money in the school district income tax administrative fund 47367  
shall be used by the tax commissioner to defray costs incurred in 47368  
administering the school district's income tax, including the cost 47369  
of providing employers with information regarding the rate of tax 47370  
imposed by any school district. Any moneys remaining in the fund 47371  
after such use shall be deposited in the school district income 47372  
tax fund. 47373

All interest earned on moneys in the school district income 47374  
tax fund shall be credited to the fund. 47375

(D)(1)(a) Within thirty days of the end of each calendar 47376  
quarter ending on the last day of March, June, September, and 47377  
December, the director of budget and management shall make a 47378  
payment from the school district income tax fund to each school 47379  
district for which school district income tax revenue was received 47380  
during that quarter. The amount of the payment shall equal the 47381  
balance in the school district's account at the end of that 47382  
quarter. 47383

(b) After a school district ceases to levy an income tax, the 47384  
director of budget and management shall adjust the payments under 47385  
division (D)(1)(a) of this section to retain sufficient money in 47386  
the school district's account to pay refunds. For the calendar 47387  
quarters ending on the last day of March and December of the 47388  
calendar year following the last calendar year the tax is levied, 47389  
the director shall make the payments in the amount required under 47390  
division (D)(1)(a) of this section. For the calendar quarter 47391  
ending on the last day of June of the calendar year following the 47392  
last calendar year the tax is levied, the director shall make a 47393  
payment equal to nine-tenths of the balance in the account at the 47394  
end of that quarter. For the calendar quarter ending on the last 47395  
day of September of the calendar year following the last calendar 47396  
year the tax is levied, the director shall make no payment. For 47397

the second and succeeding calendar years following the last 47398  
calendar year the tax is levied, the director shall make one 47399  
payment each year, within thirty days of the last day of June, in 47400  
an amount equal to the balance in the district's account on the 47401  
last day of June. 47402

(2) Moneys paid to a school district under this division 47403  
shall be deposited in its school district income tax fund. All 47404  
interest earned on moneys in the school district income tax fund 47405  
shall be apportioned by the tax commissioner pro rata among the 47406  
school districts in the proportions and at the times the districts 47407  
are entitled to receive payments under this division. 47408

**Sec. 5747.46.** As used in sections 5747.46 and 5747.47 of the 47409  
Revised Code: 47410

(A) "Year's fund balance" means the amount credited to the 47411  
~~library and local government support libraries~~ fund during a 47412  
calendar year. 47413

(B) "Distribution year" means the calendar year during which 47414  
a year's fund balance is distributed under section 5747.47 of the 47415  
Revised Code. 47416

(C) "CPI" means the consumer price index for all urban 47417  
consumers (United States city average, all items), prepared by the 47418  
United States department of labor, bureau of labor statistics. 47419

(D) "Inflation factor" means the quotient obtained by 47420  
dividing the CPI for May of the year preceding the distribution 47421  
year by the CPI for May of the second preceding year. If the ~~the~~ 47422  
quotient so obtained is less than one, the inflation factor shall 47423  
equal one. 47424

(E) "Population" means whichever of the following has most 47425  
recently been issued, as of the first day of June preceding the 47426  
distribution year: 47427

(1) The most recent decennial census figures that include population figures for each county in the state;	47428 47429
(2) The most current issue of "Current Population Reports: Local Population Estimates" issued by the United States bureau of the census that contains population estimates for each county in the state and the state.	47430 47431 47432 47433
(F) "County's equalization ratio for a distribution year" means a percentage computed for that county as follows:	47434 47435
(1) Square the per cent that the county's population is of the state's population;	47436 47437
(2) Divide the product so obtained by the per cent that the county's total entitlement for the preceding year is of all counties' total entitlements for the preceding year;	47438 47439 47440
(3) Divide the quotient so obtained by the sum of the quotients so obtained for all counties.	47441 47442
(G) "Total entitlement" means, with respect to a distribution year, the sum of a county's guaranteed share plus its share of the excess.	47443 47444 47445
(1) "Guaranteed share" means, for a distribution year, the product obtained by multiplying a county's total entitlement for the preceding distribution year by the inflation factor. If the sum of the guaranteed shares for all counties exceeds the year's fund balance, the guaranteed shares of all counties shall be reduced by a percentage that will result in the sum of such guaranteed shares being equal to the year's fund balance.	47446 47447 47448 47449 47450 47451 47452
(2) "Share of excess" means, for a distribution year, the product obtained by multiplying a county's equalization ratio by the difference between the year's fund balance and the sum of the guaranteed shares for all counties. If the sum of the guaranteed shares for all counties exceeds the year's fund balance the share	47453 47454 47455 47456 47457

of the excess for all counties is zero. 47458

(H) "Net distribution" means the sum of the payments made to 47459  
a county's ~~library and local government support~~ libraries fund 47460  
during a distribution year, adjusted as follows: 47461

(1) If the county received an overpayment during the 47462  
preceding distribution year, add the amount of the overpayment; 47463

(2) If the county received an underpayment during the 47464  
preceding distribution year, deduct the amount of the 47465  
underpayment. 47466

(I) "Overpayment" or "underpayment" for a distribution year 47467  
means the amount by which the net distribution to a county's 47468  
~~library and local government support~~ libraries fund during that 47469  
distribution year exceeded or was less than the county's total 47470  
entitlement for that year. 47471

All computations made under this section shall be rounded to 47472  
the nearest one-hundredth of one per cent. 47473

**Sec. 5747.47.** (A)(1) By the twentieth day of July of each 47474  
year, the tax commissioner shall estimate and certify the 47475  
following for each county to its county auditor: 47476

(a) Its guaranteed share of the ensuing year's fund balance; 47477

(b) Its share of the excess of the ensuing year's fund 47478  
balance; 47479

(c) Its total entitlement. 47480

(2) In December and in June following such estimations and 47481  
certifications, the commissioner shall revise such estimates and 47482  
certify such revised estimates to the respective county auditors. 47483

(B) By the tenth day of each month the commissioner shall 47484  
distribute the amount credited to the ~~library and local government~~ 47485  
~~support~~ libraries fund ~~from taxes collected under this chapter~~ 47486

~~during the preceding month~~ in the current month under section 47487  
131.51 of the Revised Code. The distributions shall be made as 47488  
follows: 47489

(1) During the first six months of each year, each county 47490  
shall be paid a percentage of the balance that is the same per 47491  
cent that the revised estimate of the county's total entitlement 47492  
certified in December under division (A)(2) of this section is of 47493  
the sum of such revised estimates of the total entitlements for 47494  
all counties. 47495

(2) During the last six months, each county shall be paid a 47496  
percentage of the balance that is the same per cent that the 47497  
revised estimate of the county's total entitlement certified in 47498  
June under division (A)(2) of this section is of the sum of such 47499  
revised estimates of the total entitlements for all counties. 47500

(3) During each of the first six months of each year, the 47501  
payments made to each county shall be adjusted as follows: 47502

(a) If the county received an overpayment during the 47503  
preceding distribution year, reduce the sum of the payments by the 47504  
amount of such overpayment. The reduction shall be apportioned 47505  
over the six months. 47506

(b) If the county received an underpayment during the 47507  
preceding distribution year, increase the sum of the payments by 47508  
the amount of such underpayment. The increase shall be apportioned 47509  
over the six months. 47510

(C) By the twentieth day of December of each year, the tax 47511  
commissioner shall determine and certify to the auditor of each 47512  
county each of the following with respect to the current 47513  
distribution year: 47514

(1) The year's fund balance; 47515

(2) Each county's guaranteed share; 47516

(3) Each county's share of the excess; 47517  
(4) Each county's total entitlement; 47518  
(5) Each county's net distribution; 47519  
(6) The amount by which each county's net distribution 47520  
exceeded or was less than its total entitlement, which amount 47521  
shall constitute the county's overpayment or underpayment for 47522  
purposes of division (B)(3) of this section in the ensuing 47523  
distribution year. 47524

**Sec. 5747.48.** On the fifteenth day of each month, the county 47525  
treasurer shall distribute the balance in the county ~~library and~~ 47526  
local ~~government support~~ libraries fund among the county, boards 47527  
of public library trustees, municipal corporations, and boards of 47528  
township park commissioners for which the county budget commission 47529  
has fixed an allocation from the fund in that year in accordance 47530  
with section 5705.32 of the Revised Code in the same proportions 47531  
that each such entity's allocation as fixed by the commission is 47532  
of the total of all such allocations in that year. 47533

All money received into the treasury of a municipal 47534  
corporation or county shall be credited to the general fund 47535  
therein, provided that in a municipal corporation there shall be 47536  
credited to the funds established under division (D) of section 47537  
5705.09 of the Revised Code a portion of the total amount to be 47538  
credited to funds of the municipal corporation, which portion 47539  
shall be determined by multiplying the total amount to be credited 47540  
by the percentage that the funds credited under division (D) of 47541  
said section in 1938 bore to all the funds credited under said 47542  
section in 1938. If a municipal corporation is in default with 47543  
respect to the principal or interest of any outstanding notes or 47544  
bonds, the moneys distributed under this section shall be credited 47545  
to the funds established under divisions (A), (B), (C), and (D) of 47546  
section 5705.09 of the Revised Code, in the same proportion in 47547

which the funds derived from the levy for the previous year on the 47548  
general tax list and duplicate are divided. 47549

**Sec. 5747.50.** (A) As used in this section: 47550

(1) "County's proportionate share of the calendar year 2007 47551  
LGF and LGRAF distributions" means the percentage computed for the 47552  
county under division (B)(1)(a) of section 5747.501 of the Revised 47553  
Code ~~for use in the current calendar year.~~ 47554

(2) ~~"1983 share" means the sum of all payments made to a 47555  
county under section 5747.50 of the Revised Code during 1983 under 47556  
all versions of such section that were in effect during such year 47557  
plus the payments made to the county's undivided local government 47558  
fund in 1983 from the tax imposed on deposits under division (C) 47559  
of section 5707.03 of the Revised Code.~~ 47560

~~(3) "Amount available for distribution under division (B) of 47561  
this section" means for any calendar year, both of the following: 47562~~

~~(a) Nine tenths of the difference between the amount 47563  
available for distribution under this section during that year and 47564  
the deposit tax revenue of all counties; 47565~~

~~(b) The deposit tax revenue of all counties less six million 47566  
dollars. 47567~~

~~Each year, an amount equal to the amount available for 47568  
distribution under division (B) of this section shall be 47569  
distributed from the local government fund as provided in that 47570  
division. The balance in the fund available for distribution in 47571  
that year under this section and not available for distribution 47572  
under this division shall be distributed in accordance with 47573  
division (C) of this section. The tax commissioner shall determine 47574  
in each month what proportion of that month's local government 47575  
fund balance shall be distributed under division (B) of this 47576  
section and what proportion shall be distributed under division 47577~~

~~(C) of this section~~ "County's proportionate share of the total amount of the local communities fund additional revenue formula" means each county's proportionate share of the state's population as determined for and certified to the county for distributions to be made during the current calendar year under division (B)(2)(a) of section 5747.501 of the Revised Code. If prior to the first day of January of the current calendar year the federal government has issued a revision to the population figures reflected in the estimate produced pursuant to division (B)(2)(a) of section 5747.501 of the Revised Code, such revised population figures shall be used for making the distributions during the current calendar year. 47578  
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(3) "2007 LGF and LGRAF county distribution base available in that month" means the lesser of the amounts described in division (A)(3)(a) and (b) of this section, provided that the amount shall not be less than zero: 47590  
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(a) The total amount available for distribution to counties from the local communities fund during the current month. 47594  
47595

(b) The total amount distributed to counties from the local government fund and the local government revenue assistance fund to counties in calendar year 2007 less the total amount distributed to counties under division (B)(1) of this section during previous months of the current calendar year. 47596  
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(4) "Local communities fund additional revenue distribution base available during that month" means the total amount available for distribution to counties during the month from the local communities fund, less any amounts to be distributed in that month from the local communities fund under division (B)(1) of this section, provided that the local communities fund additional revenue distribution base available during that month shall not be less than zero. 47601  
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(5) "Total amount available for distribution to counties" 47609  
means the total amount available for distribution from the local 47610  
communities fund during the current month less the total amount 47611  
available for distribution to municipal corporations during the 47612  
current month under division (C) of this section. 47613

(B) On or before the tenth day of each month, the tax 47614  
commissioner shall provide for payment to ~~the county treasurer of~~ 47615  
each county ~~of~~ an amount equal to the sum of: 47616

(1) The county's proportionate share of the calendar year 47617  
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 47618  
LGRAF county distribution base available in that month, provided 47619  
that if the 2007 LGF and LGRAF county distribution base available 47620  
in that month is zero, no payment shall be made under division 47621  
(B)(1) of this section for the month or the remainder of the 47622  
calendar year; and 47623

(2) The county's proportionate share of the total amount of 47624  
the local ~~government~~ communities fund additional revenue formula 47625  
multiplied by the local communities fund additional revenue 47626  
distribution base available ~~for distribution~~ during that month 47627  
under this division, except as otherwise provided and in such a 47628  
way that on the last day of each calendar year, each county shall 47629  
have received an amount equal to its proportionate share of the 47630  
amount available for distribution under this division during that 47631  
year. Counties whose proportionate shares are less than their 1983 47632  
shares shall receive an amount equal to their 1983 shares during 47633  
the year in lieu of their proportionate shares, and the amounts 47634  
required to be paid to all other counties shall be proportionately 47635  
reduced to fund such deficiency. If any county receives payments 47636  
in any year that exceed the amount to which it is entitled, that 47637  
excess shall be deducted from the payments due the county in the 47638  
ensuing calendar year and apportioned among and paid to the 47639  
counties that did not receive any such excess. 47640

~~The amount paid to any county in any month shall not be less than twenty five thousand dollars unless a smaller payment is required in order to avoid paying that county more during the year than the amount to which it is entitled for that year.~~

Money received into the treasury of a county under this division shall be credited to the undivided local ~~government~~ communities fund in the treasury of the county on or before the fifteenth day of each month. ~~The~~ On or before the twentieth day of each month, the county auditor shall issue warrants against all of the undivided local ~~government~~ communities fund in the county treasury in the respective amounts allowed as provided in section 5747.51 of the Revised Code, and the treasurer shall distribute and pay such sums to the subdivision therein.

(C)(1) As used in division (C) of this section:

(a) "Total amount available for distribution to municipalities during the current month" means the product obtained by multiplying the total amount available for distribution from the local communities fund during the current month by the aggregate municipal share.

(b) "Aggregate municipal share" means the quotient obtained by dividing the total amount distributed directly from the local government fund to municipal corporations during calendar year 2007 by the total distributions from the local government fund and local government revenue assistance fund during calendar year 2007.

(2) On or before the tenth day of each month, the tax commissioner shall provide for payment from the local communities fund to each municipal corporation which had in effect during the preceding calendar year a tax imposed under Chapter 718. of the Revised Code. The amount paid to each municipal corporation shall bear the same an amount equal to the product derived by

multiplying the municipal corporation's percentage ~~to~~ of the total 47672  
amount ~~to be~~ distributed to all such municipal corporations under 47673  
this division as ~~the total income taxes collected by such~~ 47674  
municipal corporation during the second calendar year ~~preceeding~~ 47675  
the year in which distribution is made bears to the total amount 47676  
of such taxes collected by all municipal corporations during such 47677  
period 2007 by the total amount available for distribution to 47678  
municipal corporations during the current month. ~~Payments~~ 47679

(3) Payments received by a municipal corporation under this 47680  
division shall be paid into its general fund and may be used for 47681  
any lawful purpose. 47682

(4) The amount distributed to municipal corporations under 47683  
this division during any calendar year shall not exceed the amount 47684  
distributed directly from the local government fund to municipal 47685  
corporations during calendar year 2007. If that maximum amount is 47686  
reached during any month, distributions to municipal corporations 47687  
in that month shall be as provided in divisions (C)(1) and (2) of 47688  
this section, but no further distributions shall be made to 47689  
municipal corporations under division (C) of this section during 47690  
the remainder of the calendar year. 47691

(5) Upon being informed of a municipal corporation's 47692  
dissolution, the tax commissioner shall cease providing for 47693  
payments to that municipal corporation under division (C) of this 47694  
section. The proportionate shares of the total amount available 47695  
for distribution to each of the remaining municipal corporations 47696  
under this division shall be increased on a pro rata basis. 47697

(D) Each municipal corporation which has in effect a tax 47698  
imposed under Chapter 718. of the Revised Code shall, no later 47699  
than the thirty-first day of August of each year, certify to the 47700  
tax commissioner the total amount of income taxes collected by 47701  
such municipal corporation pursuant to such chapter during the 47702  
preceding calendar year. The tax commissioner ~~shall~~ may withhold 47703

payment of local ~~government~~ communities fund moneys pursuant to 47704  
division (C) of this section from any municipal corporation for 47705  
failure to comply with this reporting requirement. 47706

**Sec. 5747.501.** (A) ~~By~~ On or before the ~~fifteenth~~ twenty-fifth 47707  
day of ~~December~~ July of each year, the tax commissioner shall 47708  
estimate and certify to each county auditor the amount to be ~~paid~~ 47709  
~~into~~ distributed from the local ~~government~~ communities fund ~~for~~ 47710  
~~distribution~~ to each undivided local communities fund during the 47711  
following calendar year under section 5747.50 of the Revised Code. 47712  
The ~~commissioner estimate~~ shall ~~then determine~~ equal the sum of 47713  
the separate amounts ~~that would be paid to each county if the~~ 47714  
~~amount so certified were distributed~~ computed under divisions 47715  
~~(A)(B)(1)~~ and (2) of this section ~~as follows:~~ 47716

~~(1)(a) As used in this division and in section 5747.50 of the~~ 47718  
~~Revised Code, "deposit tax revenue" means one hundred forty five~~ 47719  
~~and forty five one hundredths per cent of the payments made to the~~ 47720  
~~county's undivided local government fund in 1983 from the tax~~ 47721  
~~imposed on deposits under division (C) of section 5707.03 of the~~ 47722  
~~Revised Code.~~ 47723

~~(b) Compute each county's deposit tax revenue.~~ 47724

~~(c) Determine how much each county would receive if~~ 47725  
~~nine tenths of the difference between the amount certified under~~ 47726  
~~division (A) of this section and the sum of all counties' deposit~~ 47727  
~~tax revenues, less six million dollars, were allocated among the~~ 47728  
~~counties in the following year as follows:~~ 47729

~~(i) Seventy five per cent of said amount shall be apportioned~~ 47730  
~~in the ratio that the total of the real, public utility, and~~ 47731  
~~tangible personal property tax duplicates of the municipal~~ 47732  
~~corporations, or parts thereof, in the county for the year next~~ 47733  
~~preceding the year in which the computation is made bears to the~~ 47734

~~total aggregate real, public utility, and tangible personal  
property tax duplicates of all the municipal corporations in the  
state for the same year.~~ 47735  
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~~(ii) Twenty five per cent shall be apportioned among all the  
counties in the ratio that the population of the county at the  
last federal decennial census bears to the total population of the  
state.~~ 47738  
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~~(iii) Adjust the sum of the allocations under divisions  
(A)(1)(c)(i) and (ii) for each county so that the sum allocated to  
each county under those divisions is at least two hundred  
twenty five thousand dollars. If such an adjustment is made, the  
sum of the apportionments to the counties for which no adjustment  
is necessary shall be proportionately reduced so that the sum of  
the allocations to all counties equals the amount to be allocated  
under divisions (A)(1)(c)(i) to (iii) of this section.~~ 47742  
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~~(d) Add the amount allocated to each county under division  
(A)(1)(c) to its deposit tax revenue.~~ 47750  
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~~(2) Determine how much each county would receive if  
nine tenths of the amount certified by the commissioner, less six  
million dollars, were allocated in the manner prescribed by  
division (A)(1)(c) of this section.~~ 47752  
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~~(B) Upon the completion of the computations required by  
division (A) of this section, the commissioner shall assign to  
each county, the amount computed for it under division (A)(1)(d)  
of this section or the amount computed under division (A)(2) of  
this section, whichever is the higher amount, and compute the per  
cent that the assigned amount for each county is of the sum of the  
assigned amounts for all counties. The percentage so computed  
shall be the proportionate share of the county for the following  
calendar year for purposes of making the distributions required by  
section 5747.50 of the Revised Code (1) The product obtained by~~ 47756  
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multiplying the percentage described in division (B)(1)(a) of this 47766  
section by the amount described in division (B)(1)(b) of this 47767  
section. 47768

(a) Each county's proportionate share of the total amount 47769  
distributed to the counties from the local government fund and the 47770  
local government revenue assistance fund during calendar year 47771  
2007. 47772

(b) The total amount distributed to counties from the local 47773  
government fund and the local government revenue assistance fund 47774  
during calendar year 2007 adjusted downward if, and to the extent 47775  
that, total local communities fund distributions to counties for 47776  
the following year are projected to be less than what was 47777  
distributed to counties from the local government fund and local 47778  
government revenue assistance fund during calendar year 2007. 47779

(2) The product obtained by multiplying the percentage 47780  
described in division (B)(2)(a) of this section by the amount 47781  
described in division (B)(2)(b) of this section. 47782

(a) Each county's proportionate share of the state's 47783  
population as reflected in the most recent federal decennial 47784  
census or the federal government's most recent census estimates, 47785  
whichever represents the most recent year. 47786

(b) The amount by which total estimated distributions from 47787  
the local communities fund during the immediately succeeding 47788  
calendar year, less the total estimated amount to be distributed 47789  
from the fund to municipal corporations under division (C) of 47790  
section 5747.50 of the Revised Code during the immediately 47791  
succeeding calendar year, exceed the total amount distributed to 47792  
counties from the local government fund and local government 47793  
revenue assistance fund during calendar year 2007. 47794

**Sec. 5747.51.** ~~(A) Within ten days after~~ On or before the 47795

~~fifteenth~~ twenty-fifth day of July of each year, the tax 47796  
commissioner shall make and certify to the county auditor of each 47797  
county an estimate of the amount of the local ~~government~~ 47798  
communities fund to be allocated to the undivided local ~~government~~ 47799  
communities fund of each county for the ensuing calendar year and 47800  
the estimated amount to be received by the undivided local 47801  
~~government~~ communities fund of each county from the taxes levied 47802  
pursuant to section 5707.03 of the Revised Code for the ensuing 47803  
calendar year. 47804

(B) At each annual regular session of the county budget 47805  
commission convened pursuant to section 5705.27 of the Revised 47806  
Code, each auditor shall present to the commission the certificate 47807  
of the commissioner, the annual tax budget and estimates, and the 47808  
records showing the action of the commission in its last preceding 47809  
regular session. The estimates shown on the certificate of the 47810  
commissioner of the amount to be allocated from the local 47811  
~~government~~ communities fund and the amount to be received from 47812  
taxes levied pursuant to section 5707.03 of the Revised Code shall 47813  
be combined into one total comprising the estimate of the 47814  
undivided local ~~government~~ communities fund of the county. The 47815  
commission, after extending to the representatives of each 47816  
subdivision an opportunity to be heard, under oath administered by 47817  
any member of the commission, and considering all the facts and 47818  
information presented to it by the auditor, shall determine the 47819  
amount of the undivided local ~~government~~ communities fund needed 47820  
by and to be apportioned to each subdivision for current operating 47821  
expenses, as shown in the tax budget of the subdivision. This 47822  
determination shall be made pursuant to divisions (C) to (I) of 47823  
this section, unless the commission has provided for a formula 47824  
pursuant to section 5747.53 of the Revised Code. 47825

Nothing in this section prevents the budget commission, for 47826  
the purpose of apportioning the undivided local ~~government~~ 47827

communities fund, from inquiring into the claimed needs of any 47828  
subdivision as stated in its tax budget, or from adjusting claimed 47829  
needs to reflect actual needs. For the purposes of this section, 47830  
"current operating expenses" means the lawful expenditures of a 47831  
subdivision, except those for permanent improvements and except 47832  
payments for interest, sinking fund, and retirement of bonds, 47833  
notes, and certificates of indebtedness of the subdivision. 47834

(C) The commission shall determine the combined total of the 47835  
estimated expenditures, including transfers, from the general fund 47836  
and any special funds other than special funds established for 47837  
road and bridge; street construction, maintenance, and repair; 47838  
state highway improvement; and gas, water, sewer, and electric 47839  
public utilities operated by a subdivision, as shown in the 47840  
subdivision's tax budget for the ensuing calendar year. 47841

(D) From the combined total of expenditures calculated 47842  
pursuant to division (C) of this section, the commission shall 47843  
deduct the following expenditures, if included in these funds in 47844  
the tax budget: 47845

(1) Expenditures for permanent improvements as defined in 47846  
division (E) of section 5705.01 of the Revised Code; 47847

(2) In the case of counties and townships, transfers to the 47848  
road and bridge fund, and in the case of municipalities, transfers 47849  
to the street construction, maintenance, and repair fund and the 47850  
state highway improvement fund; 47851

(3) Expenditures for the payment of debt charges; 47852

(4) Expenditures for the payment of judgments. 47853

(E) In addition to the deductions made pursuant to division 47854  
(D) of this section, revenues accruing to the general fund and any 47855  
special fund considered under division (C) of this section from 47856  
the following sources shall be deducted from the combined total of 47857  
expenditures calculated pursuant to division (C) of this section: 47858

(1) Taxes levied within the ten-mill limitation, as defined	47859
in section 5705.02 of the Revised Code;	47860
(2) The budget commission allocation of estimated county	47861
<del>library and local government support libraries</del> fund revenues to be	47862
distributed pursuant to section 5747.48 of the Revised Code;	47863
(3) Estimated unencumbered balances as shown on the tax	47864
budget as of the thirty-first day of December of the current year	47865
in the general fund, but not any estimated balance in any special	47866
fund considered in division (C) of this section;	47867
(4) Revenue, including transfers, shown in the general fund	47868
and any special funds other than special funds established for	47869
road and bridge; street construction, maintenance, and repair;	47870
state highway improvement; and gas, water, sewer, and electric	47871
public utilities, from all other sources except those that a	47872
subdivision receives from an additional tax or service charge	47873
voted by its electorate or receives from special assessment or	47874
revenue bond collection. For the purposes of this division, where	47875
the charter of a municipal corporation prohibits the levy of an	47876
income tax, an income tax levied by the legislative authority of	47877
such municipal corporation pursuant to an amendment of the charter	47878
of that municipal corporation to authorize such a levy represents	47879
an additional tax voted by the electorate of that municipal	47880
corporation. For the purposes of this division, any measure	47881
adopted by a board of county commissioners pursuant to section	47882
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code,	47883
including those measures upheld by the electorate in a referendum	47884
conducted pursuant to section 322.021, 324.021, 4504.021, or	47885
5739.022 of the Revised Code, shall not be considered an	47886
additional tax voted by the electorate.	47887
Subject to division (G) of section 5705.29 of the Revised	47888
Code, money in a reserve balance account established by a county,	47889
township, or municipal corporation under section 5705.13 of the	47890

Revised Code shall not be considered an unencumbered balance or 47891  
revenue under division (E)(3) or (4) of this section. Money in a 47892  
reserve balance account established by a township under section 47893  
5705.132 of the Revised Code shall not be considered an 47894  
unencumbered balance or revenue under division (E)(3) or (4) of 47895  
this section. 47896

If a county, township, or municipal corporation has created 47897  
and maintains a nonexpendable trust fund under section 5705.131 of 47898  
the Revised Code, the principal of the fund, and any additions to 47899  
the principal arising from sources other than the reinvestment of 47900  
investment earnings arising from such a fund, shall not be 47901  
considered an unencumbered balance or revenue under division 47902  
(E)(3) or (4) of this section. Only investment earnings arising 47903  
from investment of the principal or investment of such additions 47904  
to principal may be considered an unencumbered balance or revenue 47905  
under those divisions. 47906

(F) The total expenditures calculated pursuant to division 47907  
(C) of this section, less the deductions authorized in divisions 47908  
(D) and (E) of this section, shall be known as the "relative need" 47909  
of the subdivision, for the purposes of this section. 47910

(G) The budget commission shall total the relative need of 47911  
all participating subdivisions in the county, and shall compute a 47912  
relative need factor by dividing the total estimate of the 47913  
undivided local government fund by the total relative need of all 47914  
participating subdivisions. 47915

(H) The relative need of each subdivision shall be multiplied 47916  
by the relative need factor to determine the proportionate share 47917  
of the subdivision in the undivided local ~~government~~ communities 47918  
fund of the county; provided, that the maximum proportionate share 47919  
of a county shall not exceed the following maximum percentages of 47920  
the total estimate of the undivided local ~~government~~ communities 47921  
fund governed by the relationship of the percentage of the 47922

population of the county that resides within municipal	47923	
corporations within the county to the total population of the	47924	
county as reported in the reports on population in Ohio by the	47925	
department of development as of the twentieth day of July of the	47926	
year in which the tax budget is filed with the budget commission:	47927	
Percentage of	Percentage share	47928
municipal population	of the county	47929
within the county:	shall not exceed:	47930
Less than forty-one per cent	Sixty per cent	47931
Forty-one per cent or more but less		47932
than eighty-one per cent	Fifty per cent	47933
Eighty-one per cent or more	Thirty per cent	47934

Where the proportionate share of the county exceeds the 47935  
limitations established in this division, the budget commission 47936  
shall adjust the proportionate shares determined pursuant to this 47937  
division so that the proportionate share of the county does not 47938  
exceed these limitations, and it shall increase the proportionate 47939  
shares of all other subdivisions on a pro rata basis. In counties 47940  
having a population of less than one hundred thousand, not less 47941  
than ten per cent shall be distributed to the townships therein. 47942

(I) The proportionate share of each subdivision in the 47943  
undivided local ~~government~~ communities fund determined pursuant to 47944  
division (H) of this section for any calendar year shall not be 47945  
less than the product of the average of the percentages of the 47946  
undivided local government fund of the county as apportioned to 47947  
that subdivision for the calendar years 1968, 1969, and 1970, 47948  
multiplied by the total amount of the undivided local government 47949  
fund of the county apportioned pursuant to former section 5735.23 47950  
of the Revised Code for the calendar year 1970. For the purposes 47951  
of this division, the total apportioned amount for the calendar 47952  
year 1970 shall be the amount actually allocated to the county in 47953  
1970 from the state collected intangible tax as levied by section 47954

5707.03 of the Revised Code and distributed pursuant to section 47955  
5725.24 of the Revised Code, plus the amount received by the 47956  
county in the calendar year 1970 pursuant to division (B)(1) of 47957  
former section 5739.21 of the Revised Code, and distributed 47958  
pursuant to former section 5739.22 of the Revised Code. If the 47959  
total amount of the undivided local ~~government~~ communities fund 47960  
for any calendar year is less than the amount of the undivided 47961  
local government fund apportioned pursuant to former section 47962  
5739.23 of the Revised Code for the calendar year 1970, the 47963  
minimum amount guaranteed to each subdivision for that calendar 47964  
year pursuant to this division shall be reduced on a basis 47965  
proportionate to the amount by which the amount of the undivided 47966  
local ~~government~~ communities fund for that calendar year is less 47967  
than the amount of the undivided local government fund apportioned 47968  
for the calendar year 1970. 47969

(J) On the basis of such apportionment, the county auditor 47970  
shall compute the percentage share of each such subdivision in the 47971  
undivided local ~~government~~ communities fund and shall at the same 47972  
time certify to the tax commissioner the percentage share of the 47973  
county as a subdivision. No payment shall be made from the 47974  
undivided local ~~government~~ communities fund, except in accordance 47975  
with such percentage shares. 47976

Within ten days after the budget commission has made its 47977  
apportionment, whether conducted pursuant to section 5747.51 or 47978  
5747.53 of the Revised Code, the auditor shall publish a list of 47979  
the subdivisions and the amount each is to receive from the 47980  
undivided local ~~government~~ communities fund and the percentage 47981  
share of each subdivision, in a newspaper or newspapers of 47982  
countywide circulation, and send a copy of such allocation to the 47983  
tax commissioner. 47984

The county auditor shall also send by certified mail, return 47985  
receipt requested, a copy of such allocation to the fiscal officer 47986

of each subdivision entitled to participate in the allocation of 47987  
the undivided local ~~government~~ communities fund of the county. 47988  
This copy shall constitute the official notice of the commission 47989  
action referred to in section 5705.37 of the Revised Code. 47990

All money received into the treasury of a subdivision from 47991  
the undivided local ~~government~~ communities fund in a county 47992  
treasury shall be paid into the general fund and used for the 47993  
current operating expenses of the subdivision. 47994

If a municipal corporation maintains a municipal university, 47995  
such municipal university, when the board of trustees so requests 47996  
the legislative authority of the municipal corporation, shall 47997  
participate in the money apportioned to such municipal corporation 47998  
from the total local ~~government~~ communities fund, however created 47999  
and constituted, in such amount as requested by the board of 48000  
trustees, provided such sum does not exceed nine per cent of the 48001  
total amount paid to the municipal corporation. 48002

If any public official fails to maintain the records required 48003  
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 48004  
issued by the tax commissioner, the auditor of state, or the 48005  
treasurer of state pursuant to such sections, or fails to comply 48006  
with any law relating to the enforcement of such sections, the 48007  
local ~~government~~ communities fund money allocated to the county 48008  
~~shall~~ may be withheld until such time as the public official has 48009  
complied with such sections or such law or the rules issued 48010  
pursuant thereto. 48011

**Sec. 5747.52.** The form used by the county budget commission 48012  
to calculate subdivision shares of the undivided local ~~government~~ 48013  
communities fund as apportioned pursuant to section 5747.51 of the 48014  
Revised Code shall be as follows: 48015

Calculation of (name of subdivision) share of 48016  
undivided local ~~government~~ communities fund for 48017

(name of county) county		48018
Authorized expenditure for subdivision	Total	48019
1. Estimated expenditures from general fund	.....	48020
2. Estimated expenditures from special funds other than those established for road and bridge, street construction, maintenance, and state highway improvement, and for gas, water, sewer, and electric public utilities	.....	48021
3. Total	.....	48022
Deductions from authorized expenditures		48023
4. Expenditures for permanent improvements	.....	48024
5. Transfers to road and bridge fund (counties and townships only)	.....	48025
6. Transfers to street construction, maintenance, and repair, and state highway improvements funds	.....	48026
7. Expenditures for the payment of debt charges	.....	48027
8. Expenditures for the payment of judgments	.....	48028
9. Taxes levied inside the "ten-mill limitation"	.....	48029
10. Budget commission allocation of estimated county <del>library and local government support</del> <u>libraries</u> fund revenues	.....	48030
11. Estimated unencumbered balances as of December 31 of current year in the general funds as stated in the tax budget	.....	48031
12. Revenue, including transfers, shown in the general fund or any special funds other than special funds established for road and bridge, street construction, maintenance, and repair, and state highway improvement, and for gas, water, sewer, and electric public utilities, from all other sources except those from additional taxes or service charges voted by electorate as defined in division (E)(4) of section 5747.51 of the Revised Code, and except revenue from special	.....	48032

assessment and revenue bond collections		
13. Total	.....	48033
Calculation of subdivision share		48034
14. Relative need of subdivision (line 3 less line 13)	.....	48035
15. Relative need factor for county (total estimate of undivided local <del>government</del> <u>communities</u> fund divided by total relative need of all participating subdivisions)	.....	48036
16. Proportionate share of subdivision (relative need of subdivision multiplied by relative need factor)	.....	48037
17. After any adjustments necessary to comply with statutory maximum share allowable to county	.....	48038
18. After any adjustments necessary to comply with statutory minimum share allowable to townships	.....	48039
19. After any adjustments necessary to comply with minimum guarantee in division (I) of section 5747.51 of the Revised Code	.....	48040
20. Proportionate share of subdivision (line 16, 17, 18, or 19, whichever is appropriate)	.....	48041
<b>Sec. 5747.53.</b> (A) As used in this section:		48042
(1) "City, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population residing in the county; however, if the county budget commission on or before January 1, 1998, adopted an alternative method of apportionment that was approved by the legislative authority of the city, located partially in the county, with the greatest population but not the greatest population residing in the county, "city, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population whether residing in the county or not, if this alternative meaning is adopted by action of the board of county commissioners and a majority of the boards of township		48043 48044 48045 48046 48047 48048 48049 48050 48051 48052 48053 48054 48055

trustees and legislative authorities of municipal corporations 48056  
located wholly or partially in the county. If the county budget 48057  
commission adopted a method or formula for apportioning the 48058  
undivided local government fund under this section as this section 48059  
existed on the effective date of its amendment by H.B. 119 of the 48060  
127th general assembly, and, if it were not for the amendment 48061  
replacing "undivided local government fund" with "undivided local 48062  
communities fund" the undivided local government fund would have 48063  
been apportioned among subdivisions eligible to participate in the 48064  
fund on the basis of such method or formula, then such method or 48065  
formula shall be used to apportion the undivided local communities 48066  
fund among subdivisions eligible to participate in the fund. 48067

(2) "Participating political subdivision" means a municipal 48068  
corporation or township that satisfies all of the following: 48069

(a) It is located wholly or partially in the county. 48070

(b) It is not the city, located wholly or partially in the 48071  
county, with the greatest population. 48072

(c) Undivided local ~~government~~ communities fund moneys are 48073  
apportioned to it under the county's alternative method or formula 48074  
of apportionment in the current calendar year. 48075

(B) In lieu of the method of apportionment of the undivided 48076  
local ~~government~~ communities fund of the county provided by 48077  
section 5747.51 of the Revised Code, the county budget commission 48078  
may provide for the apportionment of the fund under an alternative 48079  
method or on a formula basis as authorized by this section. 48080

Except as otherwise provided in division (C) of this section, 48081  
the alternative method of apportionment shall have first been 48082  
approved by all of the following governmental units: the board of 48083  
county commissioners; the legislative authority of the city, 48084  
located wholly or partially in the county, with the greatest 48085  
population; and a majority of the boards of township trustees and 48086

legislative authorities of municipal corporations, located wholly 48087  
or partially in the county, excluding the legislative authority of 48088  
the city, located wholly or partially in the county, with the 48089  
greatest population. In granting or denying approval for an 48090  
alternative method of apportionment, the board of county 48091  
commissioners, boards of township trustees, and legislative 48092  
authorities of municipal corporations shall act by motion. A 48093  
motion to approve shall be passed upon a majority vote of the 48094  
members of a board of county commissioners, board of township 48095  
trustees, or legislative authority of a municipal corporation, 48096  
shall take effect immediately, and need not be published. 48097

Any alternative method of apportionment adopted and approved 48098  
under this division may be revised, amended, or repealed in the 48099  
same manner as it may be adopted and approved. If an alternative 48100  
method of apportionment adopted and approved under this division 48101  
is repealed, the undivided local ~~government~~ communities fund of 48102  
the county shall be apportioned among the subdivisions eligible to 48103  
participate in the fund, commencing in the ensuing calendar year, 48104  
under the apportionment provided in section 5747.52 of the Revised 48105  
Code, unless the repeal occurs by operation of division (C) of 48106  
this section or a new method for apportionment of the fund is 48107  
provided in the action of repeal. 48108

(C) This division applies only in counties in which the city, 48109  
located wholly or partially in the county, with the greatest 48110  
population has a population of twenty thousand or less and a 48111  
population that is less than fifteen per cent of the total 48112  
population of the county. In such a county, the legislative 48113  
authorities or boards of township trustees of two or more 48114  
participating political subdivisions, which together have a 48115  
population residing in the county that is a majority of the total 48116  
population of the county, each may adopt a resolution to exclude 48117  
the approval otherwise required of the legislative authority of 48118

the city, located wholly or partially in the county, with the  
greatest population. All of the resolutions to exclude that  
approval shall be adopted not later than the first Monday of  
August of the year preceding the calendar year in which  
distributions are to be made under an alternative method of  
apportionment.

A motion granting or denying approval of an alternative  
method of apportionment under this division shall be adopted by a  
majority vote of the members of the board of county commissioners  
and by a majority vote of a majority of the boards of township  
trustees and legislative authorities of the municipal corporations  
located wholly or partially in the county, other than the city,  
located wholly or partially in the county, with the greatest  
population, shall take effect immediately, and need not be  
published. The alternative method of apportionment under this  
division shall be adopted and approved annually, not later than  
the first Monday of August of the year preceding the calendar year  
in which distributions are to be made under it. A motion granting  
approval of an alternative method of apportionment under this  
division repeals any existing alternative method of apportionment,  
effective with distributions to be made from the fund in the  
ensuing calendar year. An alternative method of apportionment  
under this division shall not be revised or amended after the  
first Monday of August of the year preceding the calendar year in  
which distributions are to be made under it.

(D) In determining an alternative method of apportionment  
authorized by this section, the county budget commission may  
include in the method any factor considered to be appropriate and  
reliable, in the sole discretion of the county budget commission.

(E) The limitations set forth in section 5747.51 of the  
Revised Code, stating the maximum amount that the county may  
receive from the undivided local ~~government~~ communities fund and

the minimum amount the townships in counties having a population 48151  
of less than one hundred thousand may receive from the fund, are 48152  
applicable to any alternative method of apportionment authorized 48153  
under this section. 48154

(F) On the basis of any alternative method of apportionment 48155  
adopted and approved as authorized by this section, as certified 48156  
by the auditor to the county treasurer, the county treasurer shall 48157  
make distribution of the money in the undivided local ~~government~~ 48158  
communities fund to each subdivision eligible to participate in 48159  
the fund, and the auditor, when the amount of those shares is in 48160  
the custody of the treasurer in the amounts so computed to be due 48161  
the respective subdivisions, shall at the same time certify to the 48162  
tax commissioner the percentage share of the county as a 48163  
subdivision. All money received into the treasury of a subdivision 48164  
from the undivided local ~~government~~ communities fund in a county 48165  
treasury shall be paid into the general fund and used for the 48166  
current operating expenses of the subdivision. If a municipal 48167  
corporation maintains a municipal university, the university, when 48168  
the board of trustees so requests the legislative authority of the 48169  
municipal corporation, shall participate in the money apportioned 48170  
to the municipal corporation from the total local ~~government~~ 48171  
communities fund, however created and constituted, in the amount 48172  
requested by the board of trustees, provided that amount does not 48173  
exceed nine per cent of the total amount paid to the municipal 48174  
corporation. 48175

(G) The actions of the county budget commission taken 48176  
pursuant to this section are final and may not be appealed to the 48177  
board of tax appeals, except on the issues of abuse of discretion 48178  
and failure to comply with the formula. 48179

**Sec. 5747.54.** The tax commissioner ~~shall not distribute~~ may 48180  
withhold distributions of local ~~government~~ communities fund money 48181

to any county where the county auditor has failed to certify to 48182  
the tax commissioner the percentage share of the undivided local 48183  
~~government~~ communities fund of the county as a subdivision for the 48184  
year for which distribution is to be made. The director ~~shall~~ of 48185  
budget and management may direct the tax commissioner to withhold 48186  
from ~~such~~ a county the percentage of the amount distributable 48187  
thereto that constitutes the share of the county as a subdivision 48188  
of the local communities fund so long as such county is indebted 48189  
or otherwise obligated to the state, until such indebtedness or 48190  
other obligation has been duly paid, but no distribution of such 48191  
percentage share of the local ~~government~~ communities fund shall be 48192  
withheld unless an itemized statement of such indebtedness is 48193  
furnished the county auditor of the county from which the 48194  
indebtedness is due at least thirty days prior to the withholding 48195  
of the distribution. 48196

Any indebtedness or obligation of the state to a county shall 48197  
be deducted from the amount owing to the state by such county in 48198  
determining the indebtedness or obligation as to which 48199  
distribution is withheld. 48200

**Sec. 5747.55.** The action of the county budget commission 48201  
under sections 5747.51 and 5747.62 of the Revised Code may be 48202  
appealed to the board of tax appeals in the manner and with the 48203  
effect provided in section 5705.37 of the Revised Code, in 48204  
accordance with the following rules: 48205

(A) The notice of appeal shall be signed by the authorized 48206  
fiscal officer and shall set forth in clear and concise language: 48207

(1) A statement of the action of the budget commission 48208  
appealed from, and the date of the receipt by the subdivision of 48209  
the official certificate or notice of such action; 48210

(2) The error or errors the taxing district believes the 48211  
budget commission made; 48212

(3) The specific relief sought by the taxing district.	48213
(B) The notice of appeal shall have attached thereto:	48214
(1) A certified copy of the resolution of the taxing authority authorizing the fiscal officer to file the appeal;	48215 48216
(2) An exact copy of the official certificate, or notice of the action of the budget commission appealed from;	48217 48218
(3) An exact copy of the budget request filed with the budget commission by the complaining subdivision, with the date of filing noted thereon.	48219 48220 48221
(C) There shall also be attached to the notice of appeal a statement showing:	48222 48223
(1) The name of the fund involved, the total amount in dollars allocated, and the exact amount in dollars allocated to each participating subdivision;	48224 48225 48226
(2) The amount in dollars which the complaining subdivision believes it should have received;	48227 48228
(3) The name of each participating subdivision, as well as the name and address of the fiscal officer thereof, that the complaining subdivision believes received more than its proper share of the allocation, and the exact amount in dollars of such alleged over-allocation.	48229 48230 48231 48232 48233
(D) Only the participating subdivisions named pursuant to division (C) of this section are to be considered as appellees before the board of tax appeals and no change shall, in any amount, be made in the amount allocated to participating subdivisions not appellees.	48234 48235 48236 48237 48238
(E) The total of the undivided local government fund <del>or</del> , undivided local government revenue assistance fund, <u>or local communities fund</u> to be allocated by the board of tax appeals upon appeal is the total of that fund allocated by the budget	48239 48240 48241 48242

commission to those subdivisions which are appellants and 48243  
appellees before the board of tax appeals. 48244

Sec. 5747.77. (A) As used in this section: 48245

(1) "Alternative fuel" means E85 blend fuel or blended 48246  
biodiesel. 48247

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 48248  
fuel that is derived from vegetable oils or animal fats, or any 48249  
combination of those reagents that meets the American society for 48250  
testing and materials specification for biodiesel fuel (B100) 48251  
blend stock distillate fuels. 48252

(3) "Blended biodiesel" means a blend of biodiesel with 48253  
petroleum based diesel fuel in which the resultant product 48254  
contains not less than twenty per cent biodiesel and meets the 48255  
American society for testing and materials specification for 48256  
blended diesel fuel. 48257

(4) "Diesel fuel" means any liquid fuel that is capable of 48258  
use in discrete form or as a blend component in the operation of 48259  
engines of the diesel type. 48260

(5) "Ethanol" means fermentation ethyl alcohol derived from 48261  
agricultural products, including potatoes, cereal, grains, cheese 48262  
whey, and sugar beets; forest products; or other renewable 48263  
resources, including residue and waste generated from the 48264  
production, processing, and marketing of agricultural products, 48265  
forest products, and other renewable resources that meet all of 48266  
the specifications in the American society for testing and 48267  
materials (ASTM) specification D 4806-88 and is denatured as 48268  
specified in Parts 20 and 21 of Title 27 of the Code of Federal 48269  
Regulations. 48270

(6) "E85 blend fuel" means fuel containing eighty-five per 48271  
cent or more ethanol, or containing any other percentage of not 48272

less than seventy per cent ethanol if the United States department 48273  
of energy determines, by rule, that the lower percentage is 48274  
necessary to provide for the requirements of cold start, safety, 48275  
or other vehicle functions, and that meets the American society 48276  
for testing and materials specification for E85 blend fuel. 48277

(7) "Retail dealer" means any person that is a taxpayer under 48278  
this chapter that owns or operates a retail service station 48279  
located in this state. 48280

(8) "Retail service station" means a location from which 48281  
alternative fuel is sold to the general public and is dispensed or 48282  
pumped directly into motor vehicle fuel tanks for consumption. 48283

(B) For taxable years ending in 2008 or 2009, there is hereby 48284  
allowed a nonrefundable credit against the tax imposed by section 48285  
5747.02 of the Revised Code for a retail dealer that sells 48286  
alternative fuel. The credit for a dealer's taxable year ending in 48287  
2008 shall equal fifteen cents per gallon of alternative fuel sold 48288  
and dispensed through a metered pump at the retail dealer's retail 48289  
service station during any part of calendar year 2007 or 2008 48290  
included in that taxable year. The credit for a dealer's taxable 48291  
year ending in 2009 shall equal fifteen cents per gallon of 48292  
alternative fuel sold and dispensed through a metered pump at the 48293  
retail dealer's retail service station during any part of calendar 48294  
year 2008 included in that taxable year, plus thirteen cents per 48295  
gallon of alternative fuel sold and dispensed in that manner 48296  
during any part of calendar year 2009 included in that taxable 48297  
year. 48298

The credit shall be calculated separately for each retail 48299  
service station owned or operated by the retail dealer. The credit 48300  
allowed under this section may not be claimed for alternative fuel 48301  
sold or dispensed before January 1, 2008, or on or after January 48302  
1, 2010. 48303

(C) The retail dealer shall claim the credit under this section in the order prescribed in section 5747.98 of the Revised Code. The credit shall not exceed the amount of tax otherwise due under section 5747.02 of the Revised Code after deducting any other credits that precede the credit claimed under this section in that order.

(D) Nothing in this section limits or disallows pass-through treatment of the credit if the retail dealer is a pass-through entity. If the retail dealer is a pass-through entity, references in other divisions of this section to "taxable year" refer to the dealer's taxable year; an equity owner of the entity that is a taxpayer may claim the owner's distributive or proportionate share of the credit for the equity owner's taxable year that includes the last day of the entity's taxable year.

**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;

(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	48334 48335
(8) The low-income credit under section 5747.056 of the Revised Code;	48336 48337
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	48338 48339
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	48340 48341
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	48342 48343
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	48344 48345
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	48346 48347
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	48348 48349
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	48350 48351
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	48352 48353
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	48354 48355
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	48356 48357
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	48358 48359
(20) The credit <del>for purchases of new manufacturing machinery and equipment under section 5747.26 or section 5747.261 for</del> <u>selling alternative fuel under section 5747.77</u> of the Revised	48360 48361 48362

Code;	48363
(21) 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;	48364 48365 48366
(22) The job training credit under section 5747.39 of the Revised Code;	48367 48368
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	48369 48370
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	48371 48372
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	48373 48374
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	48375 48376
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	48377 48378
(28) The export sales credit under section 5747.057 of the Revised Code;	48379 48380
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	48381 48382
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	48383 48384
(31) The research and development credit under section 5747.331 of the Revised Code;	48385 48386
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	48387 48388
(33) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	48389 48390
(34) The refundable credit for taxes paid by a qualifying	48391

entity granted under section 5747.059 of the Revised Code;	48392
(35) The refundable credits for taxes paid by a qualifying	48393
pass-through entity granted under division (J) of section 5747.08	48394
of the Revised Code;	48395
(36) The refundable credit for tax withheld under division	48396
(B)(1) of section 5747.062 of the Revised Code;	48397
(37) The refundable credit under section 5747.80 of the	48398
Revised Code for losses on loans made to the Ohio venture capital	48399
program under sections 150.01 to 150.10 of the Revised Code.	48400
(B) For any credit, except the credits enumerated in	48401
divisions (A)(32) to (37) of this section and the credit granted	48402
under division (I) of section 5747.08 of the Revised Code, the	48403
amount of the credit for a taxable year shall not exceed the tax	48404
due after allowing for any other credit that precedes it in the	48405
order required under this section. Any excess amount of a	48406
particular credit may be carried forward if authorized under the	48407
section creating that credit. Nothing in this chapter shall be	48408
construed to allow a taxpayer to claim, directly or indirectly, a	48409
credit more than once for a taxable year.	48410
<b>Sec. 5748.01.</b> As used in this chapter:	48411
(A) "School district income tax" means an income tax adopted	48412
under one of the following:	48413
(1) Former section 5748.03 of the Revised Code as it existed	48414
prior to its repeal by Amended Substitute House Bill No. 291 of	48415
the 115th general assembly;	48416
(2) Section 5748.03 of the Revised Code as enacted in	48417
Substitute Senate Bill No. 28 of the 118th general assembly;	48418
(3) Section 5748.08 of the Revised Code as enacted in Amended	48419
Substitute Senate Bill No. 17 of the 122nd general assembly;	48420

(4) Section 5748.021 of the Revised Code;	48421
(5) Section 5748.081 of the Revised Code.	48422
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	48423 48424
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	48425 48426
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	48427 48428
(E) "Taxable income" means:	48429
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	48430 48431
(a) Ohio adjusted gross income for the taxable year as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code;	48432 48433 48434 48435
(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income.	48436 48437 48438 48439 48440 48441
(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.	48442 48443 48444
(F) "Resident" of the school district means:	48445
(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school district or lives in and maintains a permanent place of abode in	48446 48447 48448 48449 48450

the school district; 48451

(2) An estate of a decedent who, at the time of death, was 48452  
domiciled in the school district. 48453

(G) "School district income" means: 48454

(1) With respect to an individual, the portion of the taxable 48455  
income of an individual that is received by the individual during 48456  
the portion of the taxable year that the individual is a resident 48457  
of the school district and the school district income tax is in 48458  
effect in that school district. An individual may have school 48459  
district income with respect to more than one school district. 48460

(2) With respect to an estate, the taxable income of the 48461  
estate for the portion of the taxable year that the school 48462  
district income tax is in effect in that school district. 48463

(H) "Taxpayer" means an individual or estate having school 48464  
district income upon which a school district income tax is 48465  
imposed. 48466

(I) "School district purposes" means any of the purposes for 48467  
which a tax may be levied pursuant to section 5705.21 of the 48468  
Revised Code, including the combined purposes authorized by 48469  
section 5705.217 of the Revised Code. 48470

**Sec. 5748.02.** (A) The board of education of any school 48471  
district, except a joint vocational school district, may declare, 48472  
by resolution, the necessity of raising annually a specified 48473  
amount of money for school district purposes. The resolution shall 48474  
specify whether the income that is to be subject to the tax is 48475  
taxable income of individuals and estates as defined in divisions 48476  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 48477  
taxable income of individuals as defined in division (E)(1)(b) of 48478  
that section. A copy of the resolution shall be certified to the 48479  
tax commissioner no later than eighty-five days prior to the date 48480

of the election at which the board intends to propose a levy under 48481  
this section. Upon receipt of the copy of the resolution, the tax 48482  
commissioner shall estimate both of the following: 48483

(1) The property tax rate that would have to be imposed in 48484  
the current year by the district to produce an equivalent amount 48485  
of money; 48486

(2) The income tax rate that would have had to have been in 48487  
effect for the current year to produce an equivalent amount of 48488  
money from a school district income tax. 48489

Within ten days of receiving the copy of the board's 48490  
resolution, the commissioner shall prepare these estimates and 48491  
certify them to the board. Upon receipt of the certification, the 48492  
board may adopt a resolution proposing an income tax under 48493  
division (B) of this section at the estimated rate contained in 48494  
the certification rounded to the nearest ~~one-fourth~~ one-tenth of 48495  
one per cent. The commissioner's certification applies only to the 48496  
board's proposal to levy an income tax at the election for which 48497  
the board requested the certification. If the board intends to 48498  
submit a proposal to levy an income tax at any other election, it 48499  
shall request another certification for that election in the 48500  
manner prescribed in this division. 48501

(B)(1) Upon the receipt of a certification from the tax 48502  
commissioner under division (A) of this section, a majority of the 48503  
members of a board of education may adopt a resolution proposing 48504  
the levy of an annual tax for school district purposes on school 48505  
district income. The proposed levy may be for a continuing period 48506  
of time or for a specified number of years. The resolution shall 48507  
set forth the purpose for which the tax is to be imposed, the rate 48508  
of the tax, which shall be the rate set forth in the 48509  
commissioner's certification rounded to the nearest ~~one-fourth~~ 48510  
one-tenth of one per cent, the number of years the tax will be 48511  
levied or that it will be levied for a continuing period of time, 48512

the date on which the tax shall take effect, which shall be the 48513  
first day of January of any year following the year in which the 48514  
question is submitted, and the date of the election at which the 48515  
proposal shall be submitted to the electors of the district, which 48516  
shall be on the date of a primary, general, or special election 48517  
the date of which is consistent with section 3501.01 of the 48518  
Revised Code. The resolution shall specify whether the income that 48519  
is to be subject to the tax is taxable income of individuals and 48520  
estates as defined in divisions (E)(1)(a) and (2) of section 48521  
5748.01 of the Revised Code or taxable income of individuals as 48522  
defined in division (E)(1)(b) of that section. The specification 48523  
shall be the same as the specification in the resolution adopted 48524  
and certified under division (A) of this section. ¶¶ 48525

If the tax is to be levied for current expenses and permanent 48526  
improvements, the resolution shall apportion the annual rate of 48527  
the tax. The apportionment may be the same or different for each 48528  
year the tax is levied, but the respective portions of the rate 48529  
actually levied each year for current expenses and for permanent 48530  
improvements shall be limited by the apportionment. 48531

If the board of education currently imposes an income tax 48532  
pursuant to this chapter that is due to expire and a question is 48533  
submitted under this section for a proposed income tax to take 48534  
effect upon the expiration of the existing tax, the board may 48535  
specify in the resolution that the proposed tax renews the 48536  
expiring tax and is not an additional income tax, provided that 48537  
the tax rate being proposed is no higher than the tax rate that is 48538  
currently imposed. 48539

(2) A board of education adopting a resolution under division 48540  
(B)(1) of this section proposing a school district income tax for 48541  
a continuing period of time and limited to the purpose of current 48542  
expenses may propose in that resolution to reduce the rate or 48543  
rates of one or more of the school district's property taxes 48544

levied for a continuing period of time in excess of the ten-mill 48545  
limitation for the purpose of current expenses. The reduction in 48546  
the rate of a property tax may be any amount, expressed in mills 48547  
per one dollar in valuation, not exceeding the rate at which the 48548  
tax is authorized to be levied. The reduction in the rate of a tax 48549  
shall first take effect for the tax year that includes the day on 48550  
which the school district income tax first takes effect, and shall 48551  
continue for each tax year that both the school district income 48552  
tax and the property tax levy are in effect. 48553

In addition to the matters required to be set forth in the 48554  
resolution under division (B)(1) of this section, a resolution 48555  
containing a proposal to reduce the rate of one or more property 48556  
taxes shall state for each such tax the maximum rate at which it 48557  
currently may be levied and the maximum rate at which the tax 48558  
could be levied after the proposed reduction, expressed in mills 48559  
per one dollar in valuation, and that the tax is levied for a 48560  
continuing period of time. 48561

If a board of education proposes to reduce the rate of one or 48562  
more property taxes under division (B)(2) of this section, the 48563  
board, when it makes the certification required under division (A) 48564  
of this section, shall designate the specific levy or levies to be 48565  
reduced, the maximum rate at which each levy currently is 48566  
authorized to be levied, and the rate by which each levy is 48567  
proposed to be reduced. The tax commissioner, when making the 48568  
certification to the board under division (A) of this section, 48569  
also shall certify the reduction in the total effective tax rate 48570  
for current expenses for each class of property that would have 48571  
resulted if the proposed reduction in the rate or rates had been 48572  
in effect the previous tax year. As used in this paragraph, 48573  
"effective tax rate" has the same meaning as in section 323.08 of 48574  
the Revised Code. 48575

(C) A resolution adopted under division (B) of this section 48576

shall go into immediate effect upon its passage, and no 48577  
publication of the resolution shall be necessary other than that 48578  
provided for in the notice of election. Immediately after its 48579  
adoption and at least seventy-five days prior to the election at 48580  
which the question will appear on the ballot, a copy of the 48581  
resolution shall be certified to the board of elections of the 48582  
proper county, which shall submit the proposal to the electors on 48583  
the date specified in the resolution. The form of the ballot shall 48584  
be as provided in section 5748.03 of the Revised Code. Publication 48585  
of notice of the election shall be made in one or more newspapers 48586  
of general circulation in the county once a week for two 48587  
consecutive weeks prior to the election, and, if the board of 48588  
elections operates and maintains a web site, the board of 48589  
elections shall post notice of the election on its web site for 48590  
thirty days prior to the election. The notice shall contain the 48591  
time and place of the election and the question to be submitted to 48592  
the electors. The question covered by the resolution shall be 48593  
submitted as a separate proposition, but may be printed on the 48594  
same ballot with any other proposition submitted at the same 48595  
election, other than the election of officers. 48596

(D) No board of education shall submit the question of a tax 48597  
on school district income to the electors of the district more 48598  
than twice in any calendar year. If a board submits the question 48599  
twice in any calendar year, one of the elections on the question 48600  
shall be held on the date of the general election. 48601

(E)(1) No board of education may submit to the electors of 48602  
the district the question of a tax on school district income on 48603  
the taxable income of individuals as defined in division (E)(1)(b) 48604  
of section 5748.01 of the Revised Code if that tax would be in 48605  
addition to an existing tax on the taxable income of individuals 48606  
and estates as defined in divisions (E)(1)(a) and (2) of that 48607  
section. 48608

(2) No board of education may submit to the electors of the district the question of a tax on school district income on the taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on the taxable income of individuals as defined in division (E)(1)(b) of that section.

**Sec. 5748.021.** A board of education that levies a tax under section 5748.02 of the Revised Code on the school district income of individuals and estates as defined in divisions (G) and (E)(1)(a) and (2) of section 5748.01 of the Revised Code may declare, at any time, by a resolution adopted by a majority of its members, the necessity of raising annually a specified amount of money for school district purposes by replacing the existing tax with a tax on the school district income of individuals as defined in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the Revised Code. The specified amount of money to be raised annually may be the same as, or more or less than, the amount of money raised annually by the existing tax.

The board shall certify a copy of the resolution to the tax commissioner not later than the eighty-fifth day before the date of the election at which the board intends to propose the replacement to the electors of the school district. Not later than the tenth day after receiving the resolution, the tax commissioner shall estimate the tax rate that would be required in the school district annually to raise the amount of money specified in the resolution. The tax commissioner shall certify the estimate to the board.

Upon receipt of the tax commissioner's estimate, the board may propose, by a resolution adopted by a majority of its members, to replace the existing tax on the school district income of individuals and estates as defined in divisions (G) and (E)(1)(a)

and (2) of section 5748.01 of the Revised Code with the levy of an 48640  
annual tax on the school district income of individuals as defined 48641  
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 48642  
Revised Code. In the resolution, the board shall specify the rate 48643  
of the replacement tax, whether the replacement tax is to be 48644  
levied for a specified number of years or for a continuing time, 48645  
the specific school district purposes for which the replacement 48646  
tax is to be levied, the date on which the replacement tax will 48647  
begin to be levied, the date of the election at which the question 48648  
of the replacement is to be submitted to the electors of the 48649  
school district, that the existing tax will cease to be levied and 48650  
the replacement tax will begin to be levied if the replacement is 48651  
approved by a majority of the electors voting on the replacement, 48652  
and that if the replacement is not approved by a majority of the 48653  
electors voting on the replacement the existing tax will remain in 48654  
effect under its original authority for the remainder of its 48655  
previously approved term. The resolution goes into immediate 48656  
effect upon its adoption. Publication of the resolution is not 48657  
necessary, and the information that will be provided in the notice 48658  
of election is sufficient notice. At least seventy-five days 48659  
before the date of the election at which the question of the 48660  
replacement will be submitted to the electors of the school 48661  
district, the board shall certify a copy of the resolution to the 48662  
board of elections. 48663

The replacement tax shall have the same specific school 48664  
district purposes as the existing tax, and its rate shall be the 48665  
same as the tax commissioner's estimate rounded to the nearest 48666  
~~one-fourth~~ one-tenth of one per cent. The replacement tax shall 48667  
begin to be levied on the first day of January of the year 48668  
following the year in which the question of the replacement is 48669  
submitted to and approved by the electors of the school district 48670  
or on the first day of January of a later year, as specified in 48671  
the resolution. The date of the election shall be the date of an 48672

otherwise scheduled primary, general, or special election. 48673

The board of elections shall make arrangements to submit the 48674  
question of the replacement to the electors of the school district 48675  
on the date specified in the resolution. The board of elections 48676  
shall publish notice of the election on the question of the 48677  
replacement in one or more newspapers of general circulation in 48678  
the school district once a week for four consecutive weeks. The 48679  
notice shall set forth the question to be submitted to the 48680  
electors and the time and place of the election thereon. 48681

The question shall be submitted to the electors of the school 48682  
district as a separate proposition, but may be printed on the same 48683  
ballot with other propositions that are submitted at the same 48684  
election, other than the election of officers. The form of the 48685  
ballot shall be substantially as follows: 48686

"Shall the existing tax of ..... (state the rate) on the 48687  
school district income of individuals and estates imposed by ..... 48688  
(state the name of the school district) be replaced by a tax of 48689  
..... (state the rate) on the earned income of individuals 48690  
residing in the school district for ..... (state the number of 48691  
years the tax is to be in effect or that it will be in effect for 48692  
a continuing time), beginning ..... (state the date the new tax 48693  
will take effect), for the purpose of ..... (state the specific 48694  
school district purposes of the tax)? If the new tax is not 48695  
approved, the existing tax will remain in effect under its 48696  
original authority, for the remainder of its previously approved 48697  
term. 48698

	For replacing the existing tax with the new tax	
	Against replacing the existing tax with the new tax	

48699

" 48700

The board of elections shall conduct and canvass the election 48701  
in the same manner as regular elections in the school district for 48702

the election of county officers. The board shall certify the 48703  
results of the election to the board of education and to the tax 48704  
commissioner. If a majority of the electors voting on the question 48705  
vote in favor of the replacement, the existing tax shall cease to 48706  
be levied, and the replacement tax shall begin to be levied, on 48707  
the date specified in the ballot question. If a majority of the 48708  
electors voting on the question vote against the replacement, the 48709  
existing tax shall continue to be levied under its original 48710  
authority, for the remainder of its previously approved term. 48711

A board of education may not submit the question of replacing 48712  
a tax more than twice in a calendar year. If a board submits the 48713  
question more than once, one of the elections at which the 48714  
question is submitted shall be on the date of a general election. 48715

If a board of education later intends to renew a replacement 48716  
tax levied under this section, it shall repeat the procedure 48717  
outlined in this section to do so, the replacement tax then being 48718  
levied being the "existing tax" and the renewed replacement tax 48719  
being the "replacement tax." 48720

Sec. 5748.022. A majority of the members of a board of 48721  
education of a school district levying a tax under section 5748.02 48722  
of the Revised Code may adopt a resolution reducing the rate of 48723  
the tax by a multiple of one-tenth of one per cent. 48724

The resolution shall set forth the current rate of the tax, 48725  
the reduced rate of tax that results from adoption of the 48726  
resolution, the purpose or purposes for which the tax is levied, 48727  
the remaining number of years the tax will be levied or that it is 48728  
levied for a continuing period of time, and the date on which the 48729  
reduced tax rate shall take effect, which shall be the ensuing 48730  
first day of January occurring at least sixty days after a copy of 48731  
the resolution is certified to the tax commissioner. 48732

Sec. 5748.04. (A) The question of the repeal of a school 48733  
district income tax levied for more than five years may be 48734  
initiated not more than once in any five-year period by filing 48735  
with the board of elections of the appropriate counties not later 48736  
than seventy-five days before the general election in any year 48737  
after the year in which it is approved by the electors a petition 48738  
requesting that an election be held on the question. The petition 48739  
shall be signed by qualified electors residing in the school 48740  
district levying the income tax equal in number to ten per cent of 48741  
those voting for governor at the most recent gubernatorial 48742  
election. 48743

The board of elections shall determine whether the petition 48744  
is valid, and if it so determines, it shall submit the question to 48745  
the electors of the district at the next general election. The 48746  
election shall be conducted, canvassed, and certified in the same 48747  
manner as regular elections for county offices in the county. 48748  
Notice of the election shall be published in a newspaper of 48749  
general circulation in the district once a week for two 48750  
consecutive weeks prior to the election, and, if the board of 48751  
elections operates and maintains a web site, the board of 48752  
elections shall post notice of the election on its web site for 48753  
thirty days prior to the election. The notice shall state the 48754  
purpose, time, and place of the election. The form of the ballot 48755  
cast at the election shall be as follows: 48756

"Shall the annual income tax of ..... per cent, currently 48757  
levied on the school district income of individuals and estates by 48758  
..... (state the name of the school district) for the purpose 48759  
of ..... (state purpose of the tax), be repealed? 48760

	For repeal of the income tax
	Against repeal of the income tax

"

48761  
48762  
48763

48764

(B)(1) If the tax is imposed on taxable income as defined in 48765  
division (E)(1)(b) of section 5748.01 of the Revised Code, the 48766  
form of the ballot shall be modified by stating that the tax 48767  
currently is levied on the "earned income of individuals residing 48768  
in the school district" in lieu of the "school district income of 48769  
individuals and estates." 48770

(2) If the rate of one or more property tax levies was 48771  
reduced for the duration of the income tax levy pursuant to 48772  
division (B)(2) of section 5748.02 of the Revised Code, the form 48773  
of the ballot shall be modified by adding the following language 48774  
immediately after "repealed": ", and shall the rate of an existing 48775  
tax on property for the purpose of current expenses, which rate 48776  
was reduced for the duration of the income tax, be INCREASED from 48777  
..... mills to ..... mills per one dollar of valuation beginning 48778  
in ..... (state the first year for which the rate of the property 48779  
tax will increase)." In lieu of "for repeal of the income tax" and 48780  
"against repeal of the income tax," the phrases "for the issue" 48781  
and "against the issue," respectively, shall be substituted. 48782

(3) If the rate of more than one property tax was reduced for 48783  
the duration of the income tax, the ballot language shall be 48784  
modified accordingly to express the rates at which those taxes 48785  
currently are levied and the rates to which the taxes would be 48786  
increased. 48787

(C) The question covered by the petition shall be submitted 48788  
as a separate proposition, but it may be printed on the same 48789  
ballot with any other proposition submitted at the same election 48790  
other than the election of officers. If a majority of the 48791  
qualified electors voting on the question vote in favor of it, the 48792  
result shall be certified immediately after the canvass by the 48793  
board of elections to the board of education of the school 48794  
district and the tax commissioner, who shall thereupon, after the 48795

current year, cease to levy the tax, except that if notes have 48796  
been issued pursuant to section 5748.05 of the Revised Code the 48797  
tax commissioner shall continue to levy and collect under 48798  
authority of the election authorizing the levy an annual amount, 48799  
rounded upward to the nearest ~~one-fourth~~ one-tenth of one per 48800  
cent, as will be sufficient to pay the debt charges on the notes 48801  
as they fall due. 48802

(D) If a school district income tax repealed pursuant to this 48803  
section was approved in conjunction with a reduction in the rate 48804  
of one or more school district property taxes as provided in 48805  
division (B)(2) of section 5748.02 of the Revised Code, then each 48806  
such property tax may be levied after the current year at the rate 48807  
at which it could be levied prior to the reduction, subject to any 48808  
adjustments required by the county budget commission pursuant to 48809  
Chapter 5705. of the Revised Code. Upon the repeal of a school 48810  
district income tax under this section, the board of education may 48811  
resume levying a property tax, the rate of which has been reduced 48812  
pursuant to a question approved under section 5748.02 of the 48813  
Revised Code, at the rate the board originally was authorized to 48814  
levy the tax. A reduction in the rate of a property tax under 48815  
section 5748.02 of the Revised Code is a reduction in the rate at 48816  
which a board of education may levy that tax only for the period 48817  
during which a school district income tax is levied prior to any 48818  
repeal pursuant to this section. The resumption of the authority 48819  
to levy the tax upon such a repeal does not constitute a tax 48820  
levied in excess of the one per cent limitation prescribed by 48821  
Section 2 of Article XII, Ohio Constitution, or in excess of the 48822  
ten-mill limitation. 48823

(E) This section does not apply to school district income tax 48824  
levies that are levied for five or fewer years. 48825

**Sec. 5748.08.** (A) The board of education of a city, local, or 48826

exempted village school district, at any time by a vote of 48827  
two-thirds of all its members, may declare by resolution that it 48828  
may be necessary for the school district to do all of the 48829  
following: 48830

(1) Raise a specified amount of money for school district 48831  
purposes by levying an annual tax on school district income; 48832

(2) Issue general obligation bonds for permanent 48833  
improvements, stating in the resolution the necessity and purpose 48834  
of the bond issue and the amount, approximate date, estimated rate 48835  
of interest, and maximum number of years over which the principal 48836  
of the bonds may be paid; 48837

(3) Levy a tax outside the ten-mill limitation to pay debt 48838  
charges on the bonds and any anticipatory securities; 48839

(4) Submit the question of the school district income tax and 48840  
bond issue to the electors of the district at a special election. 48841

The resolution shall specify whether the income that is to be 48842  
subject to the tax is taxable income of individuals and estates as 48843  
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 48844  
Revised Code or taxable income of individuals as defined in 48845  
division (E)(1)(b) of that section. 48846

On adoption of the resolution, the board shall certify a copy 48847  
of it to the tax commissioner and the county auditor no later than 48848  
ninety days prior to the date of the special election at which the 48849  
board intends to propose the income tax and bond issue. Not later 48850  
than ten days of receipt of the resolution, the tax commissioner, 48851  
in the same manner as required by division (A) of section 5748.02 48852  
of the Revised Code, shall estimate the rates designated in 48853  
divisions (A)(1) and (2) of that section and certify them to the 48854  
board. Not later than ten days of receipt of the resolution, the 48855  
county auditor shall estimate and certify to the board the average 48856  
annual property tax rate required throughout the stated maturity 48857

of the bonds to pay debt charges on the bonds, in the same manner 48858  
as under division (C) of section 133.18 of the Revised Code. 48859

(B) On receipt of the tax commissioner's and county auditor's 48860  
certifications prepared under division (A) of this section, the 48861  
board of education of the city, local, or exempted village school 48862  
district, by a vote of two-thirds of all its members, may adopt a 48863  
resolution proposing for a specified number of years or for a 48864  
continuing period of time the levy of an annual tax for school 48865  
district purposes on school district income and declaring that the 48866  
amount of taxes that can be raised within the ten-mill limitation 48867  
will be insufficient to provide an adequate amount for the present 48868  
and future requirements of the school district; that it is 48869  
necessary to issue general obligation bonds of the school district 48870  
for specified permanent improvements and to levy an additional tax 48871  
in excess of the ten-mill limitation to pay the debt charges on 48872  
the bonds and any anticipatory securities; and that the question 48873  
of the bonds and taxes shall be submitted to the electors of the 48874  
school district at a special election, which shall not be earlier 48875  
than seventy-five days after certification of the resolution to 48876  
the board of elections, and the date of which shall be consistent 48877  
with section 3501.01 of the Revised Code. The resolution shall 48878  
specify all of the following: 48879

(1) The purpose for which the school district income tax is 48880  
to be imposed and the rate of the tax, which shall be the rate set 48881  
forth in the tax commissioner's certification rounded to the 48882  
nearest ~~one-fourth~~ one-tenth of one per cent; 48883

(2) Whether the income that is to be subject to the tax is 48884  
taxable income of individuals and estates as defined in divisions 48885  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 48886  
taxable income of individuals as defined in division (E)(1)(b) of 48887  
that section. The specification shall be the same as the 48888  
specification in the resolution adopted and certified under 48889

division (A) of this section. 48890

(3) The number of years the tax will be levied, or that it 48891  
will be levied for a continuing period of time; 48892

(4) The date on which the tax shall take effect, which shall 48893  
be the first day of January of any year following the year in 48894  
which the question is submitted; 48895

(5) The county auditor's estimate of the average annual 48896  
property tax rate required throughout the stated maturity of the 48897  
bonds to pay debt charges on the bonds. 48898

(C) A resolution adopted under division (B) of this section 48899  
shall go into immediate effect upon its passage, and no 48900  
publication of the resolution shall be necessary other than that 48901  
provided for in the notice of election. Immediately after its 48902  
adoption and at least seventy-five days prior to the election at 48903  
which the question will appear on the ballot, the board of 48904  
education shall certify a copy of the resolution, along with 48905  
copies of the auditor's estimate and its resolution under division 48906  
(A) of this section, to the board of elections of the proper 48907  
county. The board of education shall make the arrangements for the 48908  
submission of the question to the electors of the school district, 48909  
and the election shall be conducted, canvassed, and certified in 48910  
the same manner as regular elections in the district for the 48911  
election of county officers. 48912

The resolution shall be put before the electors as one ballot 48913  
question, with a majority vote indicating approval of the school 48914  
district income tax, the bond issue, and the levy to pay debt 48915  
charges on the bonds and any anticipatory securities. The board of 48916  
elections shall publish the notice of the election in one or more 48917  
newspapers of general circulation in the school district once a 48918  
week for two consecutive weeks prior to the election and, if the 48919  
board of elections operates and maintains a web site, also shall 48920

post notice of the election on its web site for thirty days prior	48921
to the election. The notice of election shall state all of the	48922
following:	48923
(1) The questions to be submitted to the electors;	48924
(2) The rate of the school district income tax;	48925
(3) The principal amount of the proposed bond issue;	48926
(4) The permanent improvements for which the bonds are to be	48927
issued;	48928
(5) The maximum number of years over which the principal of	48929
the bonds may be paid;	48930
(6) The estimated additional average annual property tax rate	48931
to pay the debt charges on the bonds, as certified by the county	48932
auditor;	48933
(7) The time and place of the special election.	48934
(D) The form of the ballot on a question submitted to the	48935
electors under this section shall be as follows:	48936
"Shall the ..... school district be authorized to do both	48937
of the following:	48938
(1) Impose an annual income tax of ..... (state the proposed	48939
rate of tax) on the school district income of individuals and of	48940
estates, for ..... (state the number of years the tax would be	48941
levied, or that it would be levied for a continuing period of	48942
time), beginning ..... (state the date the tax would first take	48943
effect), for the purpose of ..... (state the purpose of the	48944
tax)?	48945
(2) Issue bonds for the purpose of ..... in the principal	48946
amount of \$....., to be repaid annually over a maximum period of	48947
..... years, and levy a property tax outside the ten-mill	48948
limitation estimated by the county auditor to average over the	48949
bond repayment period ..... mills for each one dollar of tax	48950

valuation, which amounts to ..... (rate expressed in cents or 48951  
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 48952  
tax valuation, to pay the annual debt charges on the bonds, and to 48953  
pay debt charges on any notes issued in anticipation of those 48954  
bonds? 48955

	FOR THE INCOME TAX AND BOND ISSUE	
	AGAINST THE INCOME TAX AND BOND ISSUE	"

48956  
48957  
48958  
48959

(E) If the question submitted to electors proposes a school 48960  
district income tax only on the taxable income of individuals as 48961  
defined in division (E)(1)(b) of section 5748.01 of the Revised 48962  
Code, the form of the ballot shall be modified by stating that the 48963  
tax is to be levied on the "earned income of individuals residing 48964  
in the school district" in lieu of the "school district income of 48965  
individuals and of estates." 48966

(F) The board of elections promptly shall certify the results 48967  
of the election to the tax commissioner and the county auditor of 48968  
the county in which the school district is located. If a majority 48969  
of the electors voting on the question vote in favor of it, the 48970  
income tax and the applicable provisions of Chapter 5747. of the 48971  
Revised Code shall take effect on the date specified in the 48972  
resolution, and the board of education may proceed with issuance 48973  
of the bonds and with the levy and collection of the property 48974  
taxes to pay debt charges on the bonds, at the additional rate or 48975  
any lesser rate in excess of the ten-mill limitation. Any 48976  
securities issued by the board of education under this section are 48977  
Chapter 133. securities, as that term is defined in section 133.01 48978  
of the Revised Code. 48979

(G) After approval of a question under this section, the 48980  
board of education may anticipate a fraction of the proceeds of 48981

the school district income tax in accordance with section 5748.05 48982  
of the Revised Code. Any anticipation notes under this division 48983  
shall be issued as provided in section 133.24 of the Revised Code, 48984  
shall have principal payments during each year after the year of 48985  
their issuance over a period not to exceed five years, and may 48986  
have a principal payment in the year of their issuance. 48987

(H) The question of repeal of a school district income tax 48988  
levied for more than five years may be initiated and submitted in 48989  
accordance with section 5748.04 of the Revised Code. 48990

(I) No board of education shall submit a question under this 48991  
section to the electors of the school district more than twice in 48992  
any calendar year. If a board submits the question twice in any 48993  
calendar year, one of the elections on the question shall be held 48994  
on the date of the general election. 48995

**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of 48996  
the Revised Code: 48997

(1) "School district," "joint vocational school district," 48998  
"local taxing unit," "~~state education aid~~," "recognized 48999  
valuation," "fixed-rate levy," and "fixed-sum levy" have the same 49000  
meanings as used in section 5727.84 of the Revised Code. 49001

(2) "State education aid" for a school district means the sum 49002  
of state aid amounts computed for the district under divisions 49003  
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 49004  
divisions (B), (C), and (D) of section 3317.023; divisions (L) and 49005  
(N) of section 3317.024; section 3317.0216; and any unit payments 49006  
for gifted student services paid under sections 3317.05, 3317.052, 49007  
and 3317.053 of the Revised Code; except that, for fiscal years 49008  
2008 and 2009, the amount computed for the district under Section 49009  
269.20.80 of H.B. 119 of the 127th general assembly and as that 49010  
section subsequently may be amended shall be substituted for the 49011  
amount computed under division (D) of section 3317.022 of the 49012

Revised Code, and the amount computed under Section 269.30.80 of 49013  
H.B. 119 of the 127th general assembly and as that section 49014  
subsequently may be amended shall be included. 49015

(3) "State education aid" for a joint vocational school 49016  
district means the sum of the state aid computed for the district 49017  
under division (N) of section 3317.024 and section 3317.16 of the 49018  
Revised Code, except that, for fiscal years 2008 and 2009, the 49019  
amount computed under Section 269.30.80 of H.B. 119 of the 127th 49020  
general assembly and as that section subsequently may be amended 49021  
shall be included. 49022

(4) "State education aid offset" means the amount determined 49023  
for each school district or joint vocational school district under 49024  
division (A)(1) of section 5751.21 of the Revised Code. 49025

~~(3)~~(5) "Machinery and equipment property tax value loss" 49026  
means the amount determined under division (C)(1) of this section. 49027

~~(4)~~(6) "Inventory property tax value loss" means the amount 49028  
determined under division (C)(2) of this section. 49029

~~(5)~~(7) "Furniture and fixtures property tax value loss" means 49030  
the amount determined under division (C)(3) of this section. 49031

~~(6)~~(8) "Machinery and equipment fixed-rate levy loss" means 49032  
the amount determined under division (D)(1) of this section. 49033

~~(7)~~(9) "Inventory fixed-rate levy loss" means the amount 49034  
determined under division (D)(2) of this section. 49035

~~(8)~~(10) "Furniture and fixtures fixed-rate levy loss" means 49036  
the amount determined under division (D)(3) of this section. 49037

~~(9)~~(11) "Total fixed-rate levy loss" means the sum of the 49038  
machinery and equipment fixed-rate levy loss, the inventory 49039  
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 49040  
loss, and the telephone company fixed-rate levy loss. 49041

~~(10)~~(12) "Fixed-sum levy loss" means the amount determined 49042

under division (E) of this section. 49043

~~(11)~~(13) "Machinery and equipment" means personal property 49044  
subject to the assessment rate specified in division (F) of 49045  
section 5711.22 of the Revised Code. 49046

~~(12)~~(14) "Inventory" means personal property subject to the 49047  
assessment rate specified in division (E) of section 5711.22 of 49048  
the Revised Code. 49049

~~(13)~~(15) "Furniture and fixtures" means personal property 49050  
subject to the assessment rate specified in division (G) of 49051  
section 5711.22 of the Revised Code. 49052

~~(14)~~(16) "Qualifying levies" are levies in effect for tax 49053  
year 2004 or applicable to tax year 2005 or approved at an 49054  
election conducted before September 1, 2005. For the purpose of 49055  
determining the rate of a qualifying levy authorized by section 49056  
5705.212 or 5705.213 of the Revised Code, the rate shall be the 49057  
rate that would be in effect for tax year 2010. 49058

~~(15)~~(17) "Telephone property" means tangible personal 49059  
property of a telephone, telegraph, or interexchange 49060  
telecommunications company subject to an assessment rate specified 49061  
in section 5727.111 of the Revised Code in tax year 2004. 49062

~~(16)~~(18) "Telephone property tax value loss" means the amount 49063  
determined under division (C)(4) of this section. 49064

~~(17)~~(19) "Telephone property fixed-rate levy loss" means the 49065  
amount determined under division (D)(4) of this section. 49066

(B) The commercial activities tax receipts fund is hereby 49067  
created in the state treasury and shall consist of money arising 49068  
from the tax imposed under this chapter. All money in that fund 49069  
shall be credited for each fiscal year in the following 49070  
percentages to the general revenue fund, to the school district 49071  
tangible property tax replacement fund, which is hereby created in 49072

the state treasury for the purpose of making the payments 49073  
described in section 5751.21 of the Revised Code, and to the local 49074  
government tangible property tax replacement fund, which is hereby 49075  
created in the state treasury for the purpose of making the 49076  
payments described in section 5751.22 of the Revised Code, in the 49077  
following percentages: 49078

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	49080
2007	0%	70.0%	30.0%	49081
2008	0%	70.0%	30.0%	49082
2009	0%	70.0%	30.0%	49083
2010	0%	70.0%	30.0%	49084
2011	0%	70.0%	30.0%	49085
2012	5.3%	70.0%	24.7%	49086
2013	19.4%	70.0%	10.6%	49087
2014	14.1%	70.0%	15.9%	49088
2015	17.6%	70.0%	12.4%	49089
2016	21.1%	70.0%	8.9%	49090
2017	24.6%	70.0%	5.4%	49091
2018	28.1%	70.0%	1.9%	49092
2019 and thereafter	100%	0%	0%	49093

(C) Not later than September 15, 2005, the tax commissioner 49094  
shall determine for each school district, joint vocational school 49095  
district, and local taxing unit its machinery and equipment, 49096  
inventory property, furniture and fixtures property, and telephone 49097  
property tax value losses, which are the applicable amounts 49098  
described in divisions (C)(1), (2), (3), and (4) of this section, 49099  
except as provided in division (C)(5) of this section: 49100

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:	49101
	49102
	49103
(a) For tax year 2006, thirty-three and eight-tenths per cent;	49104
	49105
(b) For tax year 2007, sixty-one and three-tenths per cent;	49106
(c) For tax year 2008, eighty-three per cent;	49107
(d) For tax year 2009 and thereafter, one hundred per cent.	49108
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	49109
	49110
	49111
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	49112
	49113
	49114
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	49115
	49116
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	49117
	49118
	49119
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	49120
	49121
	49122
(3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:	49123
	49124
	49125
(a) For tax year 2006, twenty-five per cent;	49126
(b) For tax year 2007, fifty per cent;	49127
(c) For tax year 2008, seventy-five per cent;	49128
(d) For tax year 2009 and thereafter, one hundred per cent.	49129

The taxable value of property reported by taxpayers used in 49130  
divisions (C)(1), (2), and (3) of this section shall be such 49131  
values as determined to be final by the tax commissioner as of 49132  
August 31, 2005. Such determinations shall be final except for any 49133  
correction of a clerical error that was made prior to August 31, 49134  
2005, by the tax commissioner. 49135

(4) Telephone property tax value loss is the taxable value of 49136  
telephone property as taxpayers would have reported that property 49137  
for tax year 2004 if the assessment rate for all telephone 49138  
property for that year were twenty-five per cent, multiplied by: 49139

(a) For tax year 2006, zero per cent; 49140

(b) For tax year 2007, zero per cent; 49141

(c) For tax year 2008, zero per cent; 49142

(d) For tax year 2009, sixty per cent; 49143

(e) For tax year 2010, eighty per cent; 49144

(f) For tax year 2011 and thereafter, one hundred per cent. 49145

(5) Division (C)(5) of this section applies to any school 49146  
district, joint vocational school district, or local taxing unit 49147  
in a county in which is located a facility currently or formerly 49148  
devoted to the enrichment or commercialization of uranium or 49149  
uranium products, and for which the total taxable value of 49150  
property listed on the general tax list of personal property for 49151  
any tax year from tax year 2001 to tax year 2004 was fifty per 49152  
cent or less of the taxable value of such property listed on the 49153  
general tax list of personal property for the next preceding tax 49154  
year. 49155

In computing the fixed-rate levy losses under divisions 49156  
(D)(1), (2), and (3) of this section for any school district, 49157  
joint vocational school district, or local taxing unit to which 49158  
division (C)(5) of this section applies, the taxable value of such 49159

property as listed on the general tax list of personal property 49160  
for tax year 2000 shall be substituted for the taxable value of 49161  
such property as reported by taxpayers for tax year 2004, in the 49162  
taxing district containing the uranium facility, if the taxable 49163  
value listed for tax year 2000 is greater than the taxable value 49164  
reported by taxpayers for tax year 2004. For the purpose of making 49165  
the computations under divisions (D)(1), (2), and (3) of this 49166  
section, the tax year 2000 valuation is to be allocated to 49167  
machinery and equipment, inventory, and furniture and fixtures 49168  
property in the same proportions as the tax year 2004 values. For 49169  
the purpose of the calculations in division (A) of section 5751.21 49170  
of the Revised Code, the tax year 2004 taxable values shall be 49171  
used. 49172

To facilitate the calculations required under division (C) of 49173  
this section, the county auditor, upon request from the tax 49174  
commissioner, shall provide by August 1, 2005, the values of 49175  
machinery and equipment, inventory, and furniture and fixtures for 49176  
all single-county personal property taxpayers for tax year 2004. 49177

(D) Not later than September 15, 2005, the tax commissioner 49178  
shall determine for each tax year from 2006 through 2009 for each 49179  
school district, joint vocational school district, and local 49180  
taxing unit its machinery and equipment, inventory, and furniture 49181  
and fixtures fixed-rate levy losses, and for each tax year from 49182  
2006 through 2011 its telephone property fixed-rate levy loss, 49183  
which are the applicable amounts described in divisions (D)(1), 49184  
(2), (3), and (4) of this section: 49185

(1) The machinery and equipment fixed-rate levy loss is the 49186  
machinery and equipment property tax value loss multiplied by the 49187  
sum of the tax rates of fixed-rate qualifying levies. 49188

(2) The inventory fixed-rate loss is the inventory property 49189  
tax value loss multiplied by the sum of the tax rates of 49190  
fixed-rate qualifying levies. 49191

(3) The furniture and fixtures fixed-rate levy loss is the 49192  
furniture and fixture property tax value loss multiplied by the 49193  
sum of the tax rates of fixed-rate qualifying levies. 49194

(4) The telephone property fixed-rate levy loss is the 49195  
telephone property tax value loss multiplied by the sum of the tax 49196  
rates of fixed-rate qualifying levies. 49197

(E) Not later than September 15, 2005, the tax commissioner 49198  
shall determine for each school district, joint vocational school 49199  
district, and local taxing unit its fixed-sum levy loss. The 49200  
fixed-sum levy loss is the amount obtained by subtracting the 49201  
amount described in division (E)(2) of this section from the 49202  
amount described in division (E)(1) of this section: 49203

(1) The sum of the machinery and equipment property tax value 49204  
loss, the inventory property tax value loss, and the furniture and 49205  
fixtures property tax value loss, and, for 2008 through 2017 the 49206  
telephone property tax value loss of the district or unit 49207  
multiplied by the sum of the fixed-sum tax rates of qualifying 49208  
levies. For 2006 through 2010, this computation shall include all 49209  
qualifying levies remaining in effect for the current tax year and 49210  
any school district emergency levies that are qualifying levies 49211  
not remaining in effect for the current year. For 2011 through 49212  
2017, this computation shall include only qualifying levies 49213  
remaining in effect for the current year. For purposes of this 49214  
computation, a qualifying school district emergency levy remains 49215  
in effect in a year after 2010 only if, for that year, the board 49216  
of education levies a school district emergency levy for an annual 49217  
sum at least equal to the annual sum levied by the board in tax 49218  
year 2004 less the amount of the payment certified under this 49219  
division for 2006. 49220

(2) The total taxable value in tax year 2004 less the sum of 49221  
the machinery and equipment, inventory, furniture and fixtures, 49222  
and telephone property tax value losses in each school district, 49223

joint vocational school district, and local taxing unit multiplied 49224  
by one-half of one mill per dollar. 49225

(3) For the calculations in divisions (E)(1) and (2) of this 49226  
section, the tax value losses are those that would be calculated 49227  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 49228  
section and for tax year 2011 under division (C)(4) of this 49229  
section. 49230

(4) To facilitate the calculation under divisions (D) and (E) 49231  
of this section, not later than September 1, 2005, any school 49232  
district, joint vocational school district, or local taxing unit 49233  
that has a qualifying levy that was approved at an election 49234  
conducted during 2005 before September 1, 2005, shall certify to 49235  
the tax commissioner a copy of the county auditor's certificate of 49236  
estimated property tax millage for such levy as required under 49237  
division (B) of section 5705.03 of the Revised Code, which is the 49238  
rate that shall be used in the calculations under such divisions. 49239

If the amount determined under division (E) of this section 49240  
for any school district, joint vocational school district, or 49241  
local taxing unit is greater than zero, that amount shall equal 49242  
the reimbursement to be paid pursuant to division (D) of section 49243  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 49244  
and the one-half of one mill that is subtracted under division 49245  
(E)(2) of this section shall be apportioned among all contributing 49246  
fixed-sum levies in the proportion that each levy bears to the sum 49247  
of all fixed-sum levies within each school district, joint 49248  
vocational school district, or local taxing unit. 49249

(F) Not later than October 1, 2005, the tax commissioner 49250  
shall certify to the department of education for every school 49251  
district and joint vocational school district the machinery and 49252  
equipment, inventory, furniture and fixtures, and telephone 49253  
property tax value losses determined under division (C) of this 49254  
section, the machinery and equipment, inventory, furniture and 49255

fixtures, and telephone fixed-rate levy losses determined under 49256  
division (D) of this section, and the fixed-sum levy losses 49257  
calculated under division (E) of this section. The calculations 49258  
under divisions (D) and (E) of this section shall separately 49259  
display the levy loss for each levy eligible for reimbursement. 49260

(G) Not later than October 1, 2005, the tax commissioner 49261  
shall certify the amount of the fixed-sum levy losses to the 49262  
county auditor of each county in which a school district, joint 49263  
vocational school district, or local taxing unit with a fixed-sum 49264  
levy loss reimbursement has territory. 49265

**Sec. 5751.21.** (A) Not later than the ~~thirty-first~~ fifteenth 49266  
day of July of 2007 through 2017, the department of education 49267  
shall consult with the director of budget and management and 49268  
determine the following for each school district and each joint 49269  
vocational school district eligible for payment under division (B) 49270  
of this section: 49271

(1) The state education aid offset, which is the difference 49272  
obtained by subtracting the amount described in division (A)(1)(b) 49273  
of this section from the amount described in division (A)(1)(a) of 49274  
this section: 49275

(a) The state education aid computed for the school district 49276  
or joint vocational school district for the current fiscal year as 49277  
of the ~~thirty-first~~ fifteenth day of July; 49278

(b) The state education aid that would be computed for the 49279  
school district or joint vocational school district for the 49280  
current fiscal year as of the ~~thirty-first~~ fifteenth day of July 49281  
if the recognized valuation included the machinery and equipment, 49282  
inventory, furniture and fixtures, and telephone property tax 49283  
value losses for the school district or joint vocational school 49284  
district for the second preceding tax year. 49285

(2) The greater of zero or the difference obtained by 49286  
subtracting the state education aid offset determined under 49287  
division (A)(1) of this section from the sum of the machinery and 49288  
equipment fixed-rate levy loss, the inventory fixed-rate levy 49289  
loss, furniture and fixtures fixed-rate levy loss, and telephone 49290  
property fixed-rate levy loss certified under division (F) of 49291  
section 5751.20 of the Revised Code for all taxing districts in 49292  
each school district and joint vocational school district for the 49293  
second preceding tax year. 49294

By the ~~fifth~~ twentieth day of ~~August~~ July of each such year, 49295  
the department of education and the director of budget and 49296  
management shall ~~certify~~ agree upon the amount ~~to be~~ determined 49297  
under division (A)(1) of this section ~~to the director of budget~~ 49298  
~~and management~~. 49299

(B) The department of education shall pay from the school 49300  
district tangible property tax replacement fund to each school 49301  
district and joint vocational school district all of the following 49302  
for fixed-rate levy losses certified under division (F) of section 49303  
5751.20 of the Revised Code: 49304

(1) On or before May 31, 2006, one-seventh of the total 49305  
fixed-rate levy loss for tax year 2006; 49306

(2) On or before August 31, 2006, and October 31, 2006, 49307  
one-half of six-sevenths of the total fixed-rate levy loss for tax 49308  
year 2006; 49309

(3) On or before May 31, 2007, one-seventh of the total 49310  
fixed-rate levy loss for tax year 2007; 49311

(4) On or before August 31, 2007, and October 31, 2007, 49312  
forty-three per cent of the amount determined under division 49313  
(A)(2) of this section for fiscal year 2008, but not less than 49314  
zero, plus one-half of six-sevenths of the difference between the 49315  
total fixed-rate levy loss for tax year 2007 and the total 49316

fixed-rate levy loss for tax year 2006. 49317

(5) On or before May 31, 2008, fourteen per cent of the 49318  
amount determined under division (A)(2) of this section for fiscal 49319  
year 2008, but not less than zero, plus one-seventh of the 49320  
difference between the total fixed-rate levy loss for tax year 49321  
2008 and the total fixed-rate levy loss for tax year 2006. 49322

(6) On or before August 31, 2008, and October 31, 2008, 49323  
forty-three per cent of the amount determined under division 49324  
(A)(2) of this section for fiscal year 2009, but not less than 49325  
zero, plus one-half of six-sevenths of the difference between the 49326  
total fixed-rate levy loss in tax year 2008 and the total 49327  
fixed-rate levy loss in tax year 2007. 49328

(7) On or before May 31, 2009, fourteen per cent of the 49329  
amount determined under division (A)(2) of this section for fiscal 49330  
year 2009, but not less than zero, plus one-seventh of the 49331  
difference between the total fixed-rate levy loss for tax year 49332  
2009 and the total fixed-rate levy loss for tax year 2007. 49333

(8) On or before August 31, 2009, and October 31, 2009, 49334  
forty-three per cent of the amount determined under division 49335  
(A)(2) of this section for fiscal year 2010, but not less than 49336  
zero, plus one-half of six-sevenths of the difference between the 49337  
total fixed-rate levy loss in tax year 2009 and the total 49338  
fixed-rate levy loss in tax year 2008. 49339

(9) On or before May 31, 2010, fourteen per cent of the 49340  
amount determined under division (A)(2) of this section for fiscal 49341  
year 2010, but not less than zero, plus one-seventh of the 49342  
difference between the total fixed-rate levy loss in tax year 2010 49343  
and the total fixed-rate levy loss in tax year 2008. 49344

(10) On or before August 31, 2010, and October 31, 2010, 49345  
one-third of the amount determined under division (A)(2) of this 49346  
section for fiscal year 2011, but not less than zero, plus 49347

one-half of six-sevenths of the difference between the telephone 49348  
property fixed-rate levy loss for tax year 2010 and the telephone 49349  
property fixed-rate levy loss for tax year 2009. 49350

(11) On or before May 31, 2011, fourteen per cent of the 49351  
amount determined under division (A)(2) of this section for fiscal 49352  
year 2011, but not less than zero, plus one-seventh of the 49353  
difference between the telephone property fixed-rate levy loss for 49354  
tax year 2011 and the telephone property fixed-rate levy loss for 49355  
tax year 2009. 49356

(12) On or before August 31, 2011, October 31, 2011, and May 49357  
31, 2012, the amount determined under division (A)(2) of this 49358  
section multiplied by a fraction, the numerator of which is 49359  
fourteen and the denominator of which is seventeen, but not less 49360  
than zero, multiplied by one-third, plus one-half of six-sevenths 49361  
of the difference between the telephone property fixed-rate levy 49362  
loss for tax year 2011 and the telephone property fixed-rate levy 49363  
loss for tax year 2010. 49364

(13) On or before May 31, 2012, fourteen per cent of the 49365  
amount determined under division (A)(2) of this section for fiscal 49366  
year 2012, multiplied by a fraction, the numerator of which is 49367  
fourteen and the denominator of which is seventeen, plus 49368  
one-seventh of the difference between the telephone property 49369  
fixed-rate levy loss for tax year 2011 and the telephone property 49370  
fixed-rate levy loss for tax year 2010. 49371

(14) On or before August 31, 2012, October 31, 2012, and May 49372  
31, 2013, the amount determined under division (A)(2) of this 49373  
section multiplied by a fraction, the numerator of which is eleven 49374  
and the denominator of which is seventeen, but not less than zero, 49375  
multiplied by one-third. 49376

(15) On or before August 31, 2013, October 31, 2013, and May 49377  
31, 2014, the amount determined under division (A)(2) of this 49378

section multiplied by a fraction, the numerator of which is nine 49379  
and the denominator of which is seventeen, but not less than zero, 49380  
multiplied by one-third. 49381

(16) On or before August 31, 2014, October 31, 2014, and May 49382  
31, 2015, the amount determined under division (A)(2) of this 49383  
section multiplied by a fraction, the numerator of which is seven 49384  
and the denominator of which is seventeen, but not less than zero, 49385  
multiplied by one-third. 49386

(17) On or before August 31, 2015, October 31, 2015, and May 49387  
31, 2016, the amount determined under division (A)(2) of this 49388  
section multiplied by a fraction, the numerator of which is five 49389  
and the denominator of which is seventeen, but not less than zero, 49390  
multiplied by one-third. 49391

(18) On or before August 31, 2016, October 31, 2016, and May 49392  
31, 2017, the amount determined under division (A)(2) of this 49393  
section multiplied by a fraction, the numerator of which is three 49394  
and the denominator of which is seventeen, but not less than zero, 49395  
multiplied by one-third. 49396

(19) On or before August 31, 2017, October 31, 2017, and May 49397  
31, 2018, the amount determined under division (A)(2) of this 49398  
section multiplied by a fraction, the numerator of which is one 49399  
and the denominator of which is seventeen, but not less than zero, 49400  
multiplied by one-third. 49401

(20) After May 31, 2018, no payments shall be made under this 49402  
section. 49403

The department of education shall report to each school 49404  
district and joint vocational school district the apportionment of 49405  
the payments among the school district's or joint vocational 49406  
school district's funds based on the certifications under division 49407  
(F) of section 5751.20 of the Revised Code. 49408

Any qualifying levy that is a fixed-rate levy that is not 49409

applicable to a tax year after 2010 does not qualify for any 49410  
reimbursement after the tax year to which it is last applicable. 49411

(C) For taxes levied within the ten-mill limitation for debt 49412  
purposes in tax year 2005, payments shall be made equal to one 49413  
hundred per cent of the loss computed as if the tax were a 49414  
fixed-rate levy, but those payments shall extend from fiscal year 49415  
2006 through fiscal year 2018, as long as the qualifying levy 49416  
continues to be used for debt purposes. If the purpose of such a 49417  
qualifying levy is changed, that levy becomes subject to the 49418  
payments determined in division (B) of this section. 49419

(D)(1) Not later than January 1, 2006, for each fixed-sum 49420  
levy of each school district or joint vocational school district 49421  
and for each year for which a determination is made under division 49422  
(F) of section 5751.20 of the Revised Code that a fixed-sum levy 49423  
loss is to be reimbursed, the tax commissioner shall certify to 49424  
the department of education the fixed-sum levy loss determined 49425  
under that division. The certification shall cover a time period 49426  
sufficient to include all fixed-sum levies for which the 49427  
commissioner made such a determination. The department shall pay 49428  
from the school district property tax replacement fund to the 49429  
school district or joint vocational school district one-third of 49430  
the fixed-sum levy loss so certified for each year on or before 49431  
the last day of May, August, and October of the current year. 49432

(2) Beginning in 2006, by the first day of January of each 49433  
year, the tax commissioner shall review the certification 49434  
originally made under division (D)(1) of this section. If the 49435  
commissioner determines that a debt levy that had been scheduled 49436  
to be reimbursed in the current year has expired, a revised 49437  
certification for that and all subsequent years shall be made to 49438  
the department of education. 49439

(E) Beginning in September 2007 and through June 2018, the 49440  
director of budget and management shall transfer from the school 49441

district tangible property tax replacement fund to the general 49442  
revenue fund each of the following: 49443

(1) On the first day of September, ~~the lesser of~~ one-fourth 49444  
of the amount ~~certified~~ determined for that fiscal year under 49445  
division (A)(1) of this section ~~or the balance in the school~~ 49446  
~~district tangible property tax replacement fund;~~ 49447

(2) On the first day of December, ~~the lesser of~~ one-fourth of 49448  
the amount ~~certified~~ determined for that fiscal year under 49449  
division (A)(1) of this section ~~or the balance in the school~~ 49450  
~~district tangible property tax replacement fund;~~ 49451

(3) On the first day of March, ~~the lesser of~~ one-fourth of 49452  
the amount ~~certified~~ determined for that fiscal year under 49453  
division (A)(1) of this section ~~or the balance in the school~~ 49454  
~~district tangible property tax replacement fund;~~ 49455

(4) On the first day of June, ~~the lesser of~~ one-fourth of the 49456  
amount ~~certified~~ determined for that fiscal year under division 49457  
(A)(1) of this section ~~or the balance in the school district~~ 49458  
~~tangible property tax replacement fund.~~ 49459

If, when a transfer is required under division (E)(1), (2), 49460  
(3), or (4) of this section, there is not sufficient money in the 49461  
school district tangible property tax replacement fund to make the 49462  
transfer in the required amount, the director shall transfer the 49463  
balance in the fund to the general revenue fund and may make 49464  
additional transfers on later dates as determined by the director 49465  
in a total amount that does not exceed one-fourth of the amount 49466  
determined for the fiscal year. 49467

(F) For each of the fiscal years 2006 through 2018, if the 49468  
total amount in the school district tangible property tax 49469  
replacement fund is insufficient to make all payments under 49470  
divisions (B), (C), and (D) of this section at the times the 49471  
payments are to be made, the director of budget and management 49472

shall transfer from the general revenue fund to the school 49473  
district tangible property tax replacement fund the difference 49474  
between the total amount to be paid and the amount in the school 49475  
district tangible property tax replacement fund. For each fiscal 49476  
year after 2018, at the time payments under division (D) of this 49477  
section are to be made, the director of budget and management 49478  
shall transfer from the general revenue fund to the school 49479  
district property tax replacement fund the amount necessary to 49480  
make such payments. 49481

(G) On the fifteenth day of June of 2006 through 2011, the 49482  
director of budget and management may transfer any balance in the 49483  
school district tangible property tax replacement fund to the 49484  
general revenue fund. At the end of fiscal years 2012 through 49485  
2018, any balance in the school district tangible property tax 49486  
replacement fund shall remain in the fund to be used in future 49487  
fiscal years for school purposes. 49488

(H) If all of the territory of a school district or joint 49489  
vocational school district is merged with another district, or if 49490  
a part of the territory of a school district or joint vocational 49491  
school district is transferred to an existing or newly created 49492  
district, the department of education, in consultation with the 49493  
tax commissioner, shall adjust the payments made under this 49494  
section as follows: 49495

(1) For a merger of two or more districts, the machinery and 49496  
equipment, inventory, furniture and fixtures, and telephone 49497  
property fixed-rate levy losses and the fixed-sum levy losses of 49498  
the successor district shall be equal to the sum of the machinery 49499  
and equipment, inventory, furniture and fixtures, and telephone 49500  
property fixed-rate levy losses and debt levy losses as determined 49501  
in section 5751.20 of the Revised Code, for each of the districts 49502  
involved in the merger. 49503

(2) If property is transferred from one district to a 49504

previously existing district, the amount of machinery and 49505  
equipment, inventory, furniture and fixtures, and telephone 49506  
property tax value losses and fixed-rate levy losses that shall be 49507  
transferred to the recipient district shall be an amount equal to 49508  
the total machinery and equipment, inventory, furniture and 49509  
fixtures, and telephone property fixed-rate levy losses times a 49510  
fraction, the numerator of which is the value of business tangible 49511  
personal property on the land being transferred in the most recent 49512  
year for which data are available, and the denominator of which is 49513  
the total value of business tangible personal property in the 49514  
district from which the land is being transferred in the most 49515  
recent year for which data are available. For each of the first 49516  
five years after the property is transferred, but not after fiscal 49517  
year 2012, if the tax rate in the recipient district is less than 49518  
the tax rate of the district from which the land was transferred, 49519  
one-half of the payments arising from the amount of fixed-rate 49520  
levy losses so transferred to the recipient district shall be paid 49521  
to the recipient district and one-half of the payments arising 49522  
from the fixed-rate levy losses so transferred shall be paid to 49523  
the district from which the land was transferred. Fixed-rate levy 49524  
losses so transferred shall be computed on the basis of the sum of 49525  
the rates of fixed-rate qualifying levies of the district from 49526  
which the land was transferred, notwithstanding division (D) of 49527  
this section. 49528

(3) After December 31, 2004, if property is transferred from 49529  
one or more districts to a district that is newly created out of 49530  
the transferred property, the newly created district shall be 49531  
deemed not to have any machinery and equipment, inventory, 49532  
furniture and fixtures, or telephone property fixed-rate levy 49533  
losses and the districts from which the property was transferred 49534  
shall have no reduction in their machinery and equipment, 49535  
inventory, furniture and fixtures, and telephone property 49536  
fixed-rate levy losses. 49537

(4) If the recipient district under division (H)(2) of this section or the newly created district under divisions (H)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts losing the property had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the fixed-sum levy loss reimbursements.

**Sec. 5751.23.** (A) As used in this section:

(1) "Administrative fees" means the dollar percentages allowed by the county auditor for services or by the county treasurer as fees, or paid to the credit of the real estate assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 and division (A) of section 321.26 of the Revised Code.

(2) "Administrative fee loss" means a county's loss of administrative fees due to its tax value loss, determined as follows:

(a) For purposes of the determination made under division (B) of this section in the years 2006 through 2010, the administrative fee loss shall be computed by multiplying the amounts determined for all taxing districts in the county under divisions (D) and (E) of section 5751.20 of the Revised Code by nine thousand six hundred fifty-nine ten-thousandths of one per cent if total taxes collected in the county in 2004 exceeded one hundred fifty million dollars, or one and one thousand one hundred fifty-nine ten-thousandths of one per cent if total taxes collected in the county in 2004 were one hundred fifty million dollars or less;

(b) For purposes of the determination under division (B) of this section in the years after 2010, the administrative fee losses shall be determined by multiplying the administrative fee losses calculated for 2010 by the fractions in divisions (A)(1)(b) to (i) of section 5751.22 of the Revised Code.

(3) "Total taxes collected" means all money collected on any tax duplicate of the county, other than the estate tax duplicates. "Total taxes collected" does not include amounts received pursuant to divisions (F) and (G) of section 321.24 or section 323.156 of the Revised Code.

(B) Not later than December 31, 2005, the tax commissioner shall certify to each county auditor the tax levy losses calculated under divisions (D) and (E) of section 5751.20 of the Revised Code for each school district, joint vocational school district, and local taxing unit in the county. Not later than the thirty-first day of January of 2006 through 2017, the county auditor shall determine the administrative fee loss for the county and apportion that loss ratably among the school districts, joint vocational school districts, and local taxing units on the basis of the tax levy losses certified under this division.

(C) On or before each of the days prescribed for the settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2006 through 2017, the county treasurer shall deduct one-half of the amount apportioned to each school district, joint vocational school district, and local taxing unit from the portions of revenue payable to them.

(D) On or before each of the days prescribed for settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2006 through 2017, the county auditor shall cause to be deposited an amount equal to one-half of the amount of the administrative fee loss in the same funds as if allowed as administrative fees.

**Sec. 5907.15.** There is hereby created in the state treasury the Ohio veterans' homes rental, ~~and service, and medicare reimbursement~~ fund. Revenue generated from temporary use agreements of a veterans' home, from the sale of meals at a home's

dining halls, and from rental, lease, or sharing agreements for 49600  
the use of facilities, supplies, equipment, utilities, or services 49601  
provided by a home, ~~and from medicare reimbursements~~ shall be 49602  
credited to the fund. The fund shall be used ~~only~~ for maintenance 49603  
costs of the homes and for the purchase of medications, medication 49604  
services, medical supplies, and medical equipment by the homes. 49605

Sec. 5907.16. There is hereby created in the state treasury 49606  
the medicare services fund. Revenue from federal reimbursement of 49607  
medicare services that were provided at state veterans' homes 49608  
shall be credited to the fund. The fund shall be used for paying 49609  
the operating costs of the state veterans' homes. 49610

**Sec. 6109.21.** (A) Except as provided in divisions (D) and (E) 49611  
of this section, on and after January 1, 1994, no person shall 49612  
operate or maintain a public water system in this state without a 49613  
license issued by the director of environmental protection. A 49614  
person who operates or maintains a public water system on January 49615  
1, 1994, shall obtain an initial license under this section in 49616  
accordance with the following schedule: 49617

(1) If the public water system is a community water system, 49618  
not later than January 31, 1994; 49619

(2) If the public water system is not a community water 49620  
system and serves a nontransient population, not later than 49621  
January 31, 1994; 49622

(3) If the public water system is not a community water 49623  
system and serves a transient population, not later than January 49624  
31, 1995. 49625

A person proposing to operate or maintain a new public water 49626  
system after January 1, 1994, in addition to complying with 49627  
section 6109.07 of the Revised Code and rules adopted under it, 49628  
shall submit an application for an initial license under this 49629

section to the director prior to commencing operation of the 49630  
system. 49631

A license or license renewal issued under this section shall 49632  
be renewed annually. Such a license or license renewal shall 49633  
expire on the thirtieth day of January in the year following its 49634  
issuance. A license holder that proposes to continue operating the 49635  
public water system for which the license or license renewal was 49636  
issued shall apply for a license renewal at least thirty days 49637  
prior to that expiration date. 49638

The director shall adopt, and may amend and rescind, rules in 49639  
accordance with Chapter 119. of the Revised Code establishing 49640  
procedures governing and information to be included on 49641  
applications for licenses and license renewals under this section. 49642  
Through June 30, ~~2008~~ 2010, each application shall be accompanied 49643  
by the appropriate fee established under division (M) of section 49644  
3745.11 of the Revised Code, provided that an applicant for an 49645  
initial license who is proposing to operate or maintain a new 49646  
public water system after January 1, 1994, shall submit a fee that 49647  
equals a prorated amount of the appropriate fee established under 49648  
that division for the remainder of the licensing year. 49649

(B) Not later than thirty days after receiving a completed 49650  
application and the appropriate license fee for an initial license 49651  
under division (A) of this section, the director shall issue the 49652  
license for the public water system. Not later than thirty days 49653  
after receiving a completed application and the appropriate 49654  
license fee for a license renewal under division (A) of this 49655  
section, the director shall do one of the following: 49656

(1) Issue the license renewal for the public water system; 49657

(2) Issue the license renewal subject to terms and conditions 49658  
that the director determines are necessary to ensure compliance 49659  
with this chapter and rules adopted under it; 49660

(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.

(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.

**Sec. 6111.0381.** There is hereby created in the state treasury the water quality protection fund. The fund shall consist of federal grants, including grants made pursuant to the Federal Water Pollution Control Act, and contributions made to the environmental protection agency for water quality protection and

restoration. The director of environmental protection shall use 49692  
money in the fund for water quality protection and restoration. 49693

**Sec. 6111.04.** (A) Both of the following apply except as 49694  
otherwise provided in division (A) or (F) of this section: 49695

(1) No person shall cause pollution or place or cause to be 49696  
placed any sewage, sludge, sludge materials, industrial waste, or 49697  
other wastes in a location where they cause pollution of any 49698  
waters of the state. 49699

(2) Such an action prohibited under division (A)(1) of this 49700  
section is hereby declared to be a public nuisance. 49701

Divisions (A)(1) and (2) of this section do not apply if the 49702  
person causing pollution or placing or causing to be placed wastes 49703  
in a location in which they cause pollution of any waters of the 49704  
state holds a valid, unexpired permit, or renewal of a permit, 49705  
governing the causing or placement as provided in sections 6111.01 49706  
to 6111.08 of the Revised Code or if the person's application for 49707  
renewal of such a permit is pending. 49708

(B) If the director of environmental protection administers a 49709  
sludge management program pursuant to division (S) of section 49710  
6111.03 of the Revised Code, both of the following apply except as 49711  
otherwise provided in division (B) or (F) of this section: 49712

(1) No person, in the course of sludge management, shall 49713  
place on land located in the state or release into the air of the 49714  
state any sludge or sludge materials. 49715

(2) An action prohibited under division (B)(1) of this 49716  
section is hereby declared to be a public nuisance. 49717

Divisions (B)(1) and (2) of this section do not apply if the 49718  
person placing or releasing the sludge or sludge materials holds a 49719  
valid, unexpired permit, or renewal of a permit, governing the 49720  
placement or release as provided in sections 6111.01 to 6111.08 of 49721

the Revised Code or if the person's application for renewal of 49722  
such a permit is pending. 49723

(C) No person to whom a permit has been issued shall place or 49724  
discharge, or cause to be placed or discharged, in any waters of 49725  
the state any sewage, sludge, sludge materials, industrial waste, 49726  
or other wastes in excess of the permissive discharges specified 49727  
under an existing permit without first receiving a permit from the 49728  
director to do so. 49729

(D) No person to whom a sludge management permit has been 49730  
issued shall place on the land or release into the air of the 49731  
state any sludge or sludge materials in excess of the permissive 49732  
amounts specified under the existing sludge management permit 49733  
without first receiving a modification of the existing sludge 49734  
management permit or a new sludge management permit to do so from 49735  
the director. 49736

(E) The director may require the submission of plans, 49737  
specifications, and other information that the director considers 49738  
relevant in connection with the issuance of permits. 49739

(F) This section does not apply to any of the following: 49740

(1) Waters used in washing sand, gravel, other aggregates, or 49741  
mineral products when the washing and the ultimate disposal of the 49742  
water used in the washing, including any sewage, industrial waste, 49743  
or other wastes contained in the waters, are entirely confined to 49744  
the land under the control of the person engaged in the recovery 49745  
and processing of the sand, gravel, other aggregates, or mineral 49746  
products and do not result in the pollution of waters of the 49747  
state; 49748

(2) Water, gas, or other material injected into a well to 49749  
facilitate, or that is incidental to, the production of oil, gas, 49750  
artificial brine, or water derived in association with oil or gas 49751  
production and disposed of in a well, in compliance with a permit 49752

issued under Chapter 1509. of the Revised Code, or sewage, 49753  
industrial waste, or other wastes injected into a well in 49754  
compliance with an injection well operating permit. Division 49755  
(F)(2) of this section does not authorize, without a permit, any 49756  
discharge that is prohibited by, or for which a permit is required 49757  
by, regulation of the United States environmental protection 49758  
agency. 49759

(3) Application of any materials to land for agricultural 49760  
purposes or runoff of the materials from that application or 49761  
pollution by animal waste or soil sediment, including attached 49762  
substances, resulting from farming, silvicultural, or earthmoving 49763  
activities regulated by Chapter 307. or 1511. of the Revised Code. 49764  
Division (F)(3) of this section does not authorize, without a 49765  
permit, any discharge that is prohibited by, or for which a permit 49766  
is required by, the Federal Water Pollution Control Act or 49767  
regulations adopted under it. 49768

(4) The excrement of domestic and farm animals defecated on 49769  
land or runoff therefrom into any waters of the state. Division 49770  
(F)(4) of this section does not authorize, without a permit, any 49771  
discharge that is prohibited by, or for which a permit is required 49772  
by, the Federal Water Pollution Control Act or regulations adopted 49773  
under it. 49774

(5) On and after the date on which the United States 49775  
environmental protection agency approves the NPDES program 49776  
submitted by the director of agriculture under section 903.08 of 49777  
the Revised Code, any discharge that is within the scope of the 49778  
approved NPDES program submitted by the director of agriculture; 49779

(6) The discharge of sewage, industrial waste, or other 49780  
wastes into a sewerage system tributary to a treatment works. 49781  
Division (F)(6) of this section does not authorize any discharge 49782  
into a publicly owned treatment works in violation of a 49783  
pretreatment program applicable to the publicly owned treatment 49784

works. 49785

(7) ~~A household sewage treatment system or a small flow~~ 49786  
~~on-site sewage treatment system, as applicable, as defined in~~ 49787  
~~section 3718.01 of the Revised Code that is installed~~ Septic tanks 49788  
or other disposal systems for the disposal or treatment of sewage 49789  
from single-family, two-family, or three-family dwellings in 49790  
compliance with ~~Chapter 3718. the sanitary code and section~~ 49791  
3707.01 of the Revised Code and rules adopted under it. Division 49792  
(F)(7) of this section does not authorize, without a permit, any 49793  
discharge that is prohibited by, or for which a permit is required 49794  
by, regulation of the United States environmental protection 49795  
agency. 49796

(8) Exceptional quality sludge generated outside of this 49797  
state and contained in bags or other containers not greater than 49798  
one hundred pounds in capacity. As used in division (F)(8) of this 49799  
section, "exceptional quality sludge" has the same meaning as in 49800  
division (Y) of section 3745.11 of the Revised Code. 49801

(G) The holder of a permit issued under section 402 (a) of 49802  
the Federal Water Pollution Control Act need not obtain a permit 49803  
for a discharge authorized by the permit until its expiration 49804  
date. Except as otherwise provided in this division, the director 49805  
of environmental protection shall administer and enforce those 49806  
permits within this state and may modify their terms and 49807  
conditions in accordance with division (J) of section 6111.03 of 49808  
the Revised Code. On and after the date on which the United States 49809  
environmental protection agency approves the NPDES program 49810  
submitted by the director of agriculture under section 903.08 of 49811  
the Revised Code, the director of agriculture shall administer and 49812  
enforce those permits within this state that are issued for any 49813  
discharge that is within the scope of the approved NPDES program 49814  
submitted by the director of agriculture. 49815

**Sec. 6111.44.** (A) Except as otherwise provided in division 49816  
(B) of this section, in section 6111.14 of the Revised Code, or in 49817  
rules adopted under division (G) of section 6111.03 of the Revised 49818  
Code, no municipal corporation, county, public institution, 49819  
corporation, or officer or employee thereof or other person shall 49820  
provide or install sewerage or treatment works for sewage, sludge, 49821  
or sludge materials disposal or treatment or make a change in any 49822  
sewerage or treatment works until the plans therefor have been 49823  
submitted to and approved by the director of environmental 49824  
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 49825  
to sewerage and treatment works of a municipal corporation or part 49826  
thereof, an unincorporated community, a county sewer district, or 49827  
other land outside of a municipal corporation or any publicly or 49828  
privately owned building or group of buildings or place, used for 49829  
the assemblage, entertainment, recreation, education, correction, 49830  
hospitalization, housing, or employment of persons. 49831

In granting an approval, the director may stipulate 49832  
modifications, conditions, and rules that the public health and 49833  
prevention of pollution may require. Any action taken by the 49834  
director shall be a matter of public record and shall be entered 49835  
in the director's journal. Each period of thirty days that a 49836  
violation of this section continues, after a conviction for the 49837  
violation, constitutes a separate offense. 49838

(B) Sections 6111.45 and 6111.46 of the Revised Code and 49839  
division (A) of this section do not apply to any of the following: 49840

(1) Sewerage or treatment works for sewage installed or to be 49841  
installed for the use of a private residence or dwelling; 49842

(2) Sewerage systems, treatment works, or disposal systems 49843  
for storm water from an animal feeding facility or manure, as 49844  
"animal feeding facility" and "manure" are defined in section 49845  
903.01 of the Revised Code; 49846

(3) Animal waste treatment or disposal works and related management and conservation practices that are subject to rules adopted under division (E)(2) of section 1511.02 of the Revised Code; 49847  
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~~(4) Sewerage or treatment works for the on lot disposal or treatment of sewage from a small flow on site sewage treatment system, as defined in section 3718.01 of the Revised Code, if the board of health of a city or general health district has notified the director of health and the director of environmental protection under section 3718.021 of the Revised Code that the board has chosen to regulate the system, provided that the board remains in compliance with the rules adopted under division (A)(13) of section 3718.02 of the Revised Code.~~ 49851  
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The exclusions established in divisions (B)(2) and (3) of this section do not apply to the construction or installation of disposal systems, as defined in section 6111.01 of the Revised Code, that are located at an animal feeding facility and that store, treat, or discharge wastewaters that do not include storm water or manure or that discharge to a publicly owned treatment works. 49860  
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**Sec. 6121.04.** The Ohio water development authority may do any or all of the following: 49867  
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(A) Adopt bylaws for the regulation of its affairs and the conduct of its business; 49869  
49870

(B) Adopt an official seal; 49871

(C) Maintain a principal office and suboffices at places within the state that it designates; 49872  
49873

(D) Sue and plead in its own name and be sued and impleaded in its own name with respect to its contracts or torts of its members, employees, or agents acting within the scope of their 49874  
49875  
49876

employment, or to enforce its obligations and covenants made under 49877  
sections 6121.06, 6121.08, and 6121.13 of the Revised Code. Any 49878  
such actions against the authority shall be brought in the court 49879  
of common pleas of the county in which the principal office of the 49880  
authority is located or in the court of common pleas of the county 49881  
in which the cause of action arose, provided that the county is 49882  
located within this state, and all summonses, exceptions, and 49883  
notices of every kind shall be served on the authority by leaving 49884  
a copy thereof at the principal office with the person in charge 49885  
thereof or with the secretary-treasurer of the authority. 49886

(E) Make loans and grants to governmental agencies for the 49887  
acquisition or construction of water development projects by any 49888  
such governmental agency and adopt rules and procedures for making 49889  
such loans and grants; 49890

(F) Acquire, construct, reconstruct, enlarge, improve, 49891  
furnish, equip, maintain, repair, operate, or lease or rent to, or 49892  
contract for operation by, a governmental agency or person, water 49893  
development projects, and establish rules for the use of those 49894  
projects; 49895

(G) Make available the use or services of any water 49896  
development project to one or more persons, one or more 49897  
governmental agencies, or any combination thereof; 49898

(H) Issue water development revenue bonds and notes and water 49899  
development revenue refunding bonds of the state, payable solely 49900  
from revenues as provided in section 6121.06 of the Revised Code, 49901  
unless the bonds are refunded by refunding bonds, for the purpose 49902  
of paying any part of the cost of one or more water development 49903  
projects or parts thereof; 49904

(I) Acquire by gift or purchase, hold, and dispose of real 49905  
and personal property in the exercise of its powers and the 49906  
performance of its duties under this chapter; 49907

(J) Acquire, in the name of the state, by purchase or 49908  
otherwise, on terms and in the manner that it considers proper, or 49909  
by the exercise of the right of condemnation in the manner 49910  
provided by section 6121.18 of the Revised Code, public or private 49911  
lands, including public parks, playgrounds, or reservations, or 49912  
parts thereof or rights therein, rights-of-way, property, rights, 49913  
easements, and interests that it considers necessary for carrying 49914  
out this chapter, but excluding the acquisition by the exercise of 49915  
the right of condemnation of any waste water facility or water 49916  
management facility owned by any person or governmental agency, 49917  
and compensation shall be paid for public or private lands so 49918  
taken, except that a government-owned waste water facility may be 49919  
appropriated in accordance with section 6121.041 of the Revised 49920  
Code; 49921

(K) Adopt rules to protect augmented flow in waters of the 49922  
state, to the extent augmented by a water development project, 49923  
from depletion so it will be available for beneficial use, and to 49924  
provide standards for the withdrawal from waters of the state of 49925  
the augmented flow created by a water development project that is 49926  
not returned to the waters of the state so augmented and to 49927  
establish reasonable charges therefor if considered necessary by 49928  
the authority; 49929

(L) Make and enter into all contracts and agreements and 49930  
execute all instruments necessary or incidental to the performance 49931  
of its duties and the execution of its powers under this chapter 49932  
in accordance with the following requirements: 49933

(1) When the cost under any such contract or agreement, other 49934  
than compensation for personal services, involves an expenditure 49935  
of more than twenty-five thousand dollars, the authority shall 49936  
make a written contract with the lowest responsive and responsible 49937  
bidder, in accordance with section 9.312 of the Revised Code, 49938  
after advertisement for not less than two consecutive weeks in a 49939

newspaper of general circulation in Franklin county, and in other 49940  
publications that the authority determines, which shall state the 49941  
general character of the work and the general character of the 49942  
materials to be furnished, the place where plans and 49943  
specifications therefor may be examined, and the time and place of 49944  
receiving bids, provided that a contract or lease for the 49945  
operation of a water development project constructed and owned by 49946  
the authority or an agreement for cooperation in the acquisition 49947  
or construction of a water development project pursuant to section 49948  
6121.13 of the Revised Code or any contract for the construction 49949  
of a water development project that is to be leased by the 49950  
authority to, and operated by, persons who are not governmental 49951  
agencies and the cost of the project is to be amortized 49952  
exclusively from rentals or other charges paid to the authority by 49953  
persons who are not governmental agencies is not subject to the 49954  
foregoing requirements and the authority may enter into such a 49955  
contract or lease or such an agreement pursuant to negotiation and 49956  
upon terms and conditions and for the period that it finds to be 49957  
reasonable and proper in the circumstances and in the best 49958  
interests of proper operation or of efficient acquisition or 49959  
construction of the project. 49960

(2) Each bid for a contract for the construction, demolition, 49961  
alteration, repair, or reconstruction of an improvement shall 49962  
contain the full name of every person interested in it and shall 49963  
meet the requirements of section 153.54 of the Revised Code. 49964

(3) Each bid for a contract except as provided in division 49965  
(L)(2) of this section shall contain the full name of every person 49966  
or company interested in it and shall be accompanied by a 49967  
sufficient bond or certified check on a solvent bank that if the 49968  
bid is accepted, a contract will be entered into and the 49969  
performance thereof secured. 49970

(4) The authority may reject any and all bids. 49971

(5) A bond with good and sufficient surety, approved by the authority, shall be required of every contractor awarded a contract except as provided in division (L)(2) of this section, in an amount equal to at least fifty per cent of the contract price, conditioned upon the faithful performance of the contract.

(M) Employ managers, superintendents, and other employees and retain or contract with consulting engineers, financial consultants, accounting experts, architects, attorneys, and other consultants and independent contractors that are necessary in its judgment to carry out this chapter, and fix the compensation thereof. All expenses thereof shall be payable solely from the proceeds of water development revenue bonds or notes issued under this chapter, from revenues, or from funds appropriated for that purpose by the general assembly.

(N) Receive and accept from any federal agency, subject to the approval of the governor, grants for or in aid of the construction of any water development project or for research and development with respect to waste water or water management facilities, and receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the grants and contributions are made;

(O) Engage in research and development with respect to waste water or water management facilities;

(P) Purchase fire and extended coverage and liability insurance for any water development project and for the principal office and suboffices of the authority, insurance protecting the authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the authority may agree to provide under any resolution authorizing its water development revenue bonds or in any trust agreement securing the same;

(Q) Charge, alter, and collect rentals and other charges for	50004
the use or services of any water development project as provided	50005
in section 6121.13 of the Revised Code;	50006
(R) Provide coverage for its employees under Chapters 145.,	50007
4123., and 4141. of the Revised Code;	50008
(S) Assist in the implementation and administration of the	50009
drinking water assistance fund and program created in section	50010
6109.22 of the Revised Code and the water pollution control loan	50011
fund and program created in section 6111.036 of the Revised Code,	50012
including, without limitation, performing or providing fiscal	50013
management for the funds and investing and disbursing moneys in	50014
the funds, and enter into all necessary and appropriate agreements	50015
with the director of environmental protection for those purposes;	50016
(T) Issue water development revenue bonds and notes of the	50017
state in principal amounts that are necessary for the purpose of	50018
raising moneys for the sole benefit of the water pollution control	50019
loan fund created in section 6111.036 of the Revised Code,	50020
including moneys to meet the requirement for providing matching	50021
moneys under division (D) of that section. The bonds and notes may	50022
be secured by appropriate trust agreements and repaid from moneys	50023
credited to the fund from payments of principal and interest on	50024
loans made from the fund, as provided in division (F) of section	50025
6111.036 of the Revised Code.	50026
(U) Issue water development revenue bonds and notes of the	50027
state in principal amounts that are necessary for the purpose of	50028
raising moneys for the sole benefit of the drinking water	50029
assistance fund created in section 6109.22 of the Revised Code,	50030
including moneys to meet the requirement for providing matching	50031
moneys under divisions (B) and (F) of that section. The bonds and	50032
notes may be secured by appropriate trust agreements and repaid	50033
from moneys credited to the fund from payments of principal and	50034
interest on loans made from the fund, as provided in division (F)	50035

of section 6109.22 of the Revised Code. 50036

(V) Make loans to and enter into agreements with boards of 50037  
county commissioners for the purposes of section ~~1521.26~~ 1506.44 50038  
of the Revised Code and adopt rules establishing requirements and 50039  
procedures for making the loans and entering into the agreements; 50040

(W) Do all acts necessary or proper to carry out the powers 50041  
expressly granted in this chapter. 50042

Any instrument by which real property is acquired pursuant to 50043  
this section shall identify the agency of the state that has the 50044  
use and benefit of the real property as specified in section 50045  
5301.012 of the Revised Code. 50046

**Sec. 6121.043.** If a governmental agency fails to pay any 50047  
charge imposed pursuant to an order issued under section 6121.041 50048  
of the Revised Code within sixty days of the date due, such charge 50049  
shall be deducted from the amount of the undivided local 50050  
~~government~~ communities fund to which the agency is entitled 50051  
pursuant to section 5747.51 or 5747.53 of the Revised Code, and 50052  
shall be paid directly to the Ohio water development authority. If 50053  
a person fails to pay a charge within sixty days of the date due, 50054  
the authority shall certify such charge to the county auditor, who 50055  
shall place the charge on the real property tax list and duplicate 50056  
against the property served. Such charge becomes a lien on such 50057  
property from the date it is certified by the authority, and shall 50058  
be collected in the manner that taxes are ordinarily collected and 50059  
forwarded to the authority. 50060

Any revenues or other moneys pledged against obligations 50061  
which are collected by the authority in the operation of a single 50062  
or regional system of waste water facilities shall first be 50063  
applied to the payment of debt service on such obligations. No 50064  
action of the authority relieves a governmental agency of any duty 50065  
which it may have to pay such obligations. 50066

Sec. 6131.23. The assessments estimated in accordance with 50067  
section 6131.14 of the Revised Code shall be payable in not less 50068  
than two semiannual installments. At the time of the final 50069  
hearing, in the order approving the levying of the assessments, 50070  
the board of county commissioners shall determine how long a 50071  
period of time, in semiannual installments, as taxes are paid, 50072  
shall be given the owners of land benefited to pay the assessments 50073  
that are made for an improvement and whether or not bonds or notes 50074  
shall be issued and sold in anticipation of such payments. If 50075  
bonds or notes are to be issued, the interest shall be added to 50076  
the assessments. If the estimated cost of the improvement does not 50077  
exceed five hundred dollars, not more than two semiannual 50078  
installments, as taxes are paid, shall be given to owners of lands 50079  
benefited to pay the assessments that are made for the 50080  
improvement. If the estimated cost of the improvement exceeds five 50081  
hundred dollars, the board may determine the number of 50082  
installments in which the assessments are to be paid. If any such 50083  
assessment is twenty-five dollars or less, or whenever the unpaid 50084  
balance of any such assessment is twenty-five dollars or less, the 50085  
same shall be paid in full, and not in installments, at the time 50086  
the first or next installment would otherwise become due. 50087

When assessments are payable in installments and county 50088  
general funds are used to pay for the improvement, the assessment 50089  
shall not exceed ~~ten~~ thirty semiannual installments, as computed 50090  
by the county auditor pursuant to section 6131.49 of the Revised 50091  
Code, and shall be payable upon completion of the contract. 50092

When assessments are made payable in installments and bonds 50093  
or notes have been sold to pay for the improvement, interest shall 50094  
be added to the installments of assessments at the same rate as is 50095  
drawn by the bonds or notes issued to pay for the improvements. 50096  
Any owner may pay the estimated assessments on the owner's land in 50097  
cash within thirty days after the final hearing without paying any 50098

interest thereon. If the legislative authority of a political 50099  
subdivision chooses to pay the assessments on all parcels within 50100  
the subdivision, both public and private, in one installment, it 50101  
shall pass a resolution so stating and shall send the resolution, 50102  
or a copy thereof, to the board of county commissioners before 50103  
making the payment. The legislative authority shall pay all 50104  
subsequent maintenance assessments levied under section 6137.03 of 50105  
the Revised Code if it chooses to pay the construction assessments 50106  
on all parcels within the subdivision. 50107

Bonds may be sold for any repayment period that the board of 50108  
county commissioners may determine proper, not to exceed ~~sixteen~~ 50109  
thirty semiannual installments, except that for bonds sold by a 50110  
board of county commissioners for soil and water conservation 50111  
district improvements pursuant to section 1515.24 of the Revised 50112  
Code, the repayment period shall not exceed thirty semiannual 50113  
installments. 50114

**Section 101.02.** That existing sections 9.821, 9.822, 9.823, 50115  
9.83, 107.12, 107.40, 109.57, 109.572, 109.93, 111.18, 118.01, 50116  
118.08, 118.17, 118.20, 118.23, 119.07, 120.33, 122.17, 122.171, 50117  
122.602, 124.152, 125.45, 125.93, 125.96, 125.97, 125.98, 126.07, 50118  
126.08, 126.16, 126.21, 126.22, 127.14, 127.16, 131.44, 133.01, 50119  
133.10, 133.25, 135.35, 135.352, 151.08, 151.40, 152.31, 156.02, 50120  
164.03, 164.05, 164.051, 164.08, 164.09, 166.08, 173.04, 173.35, 50121  
173.85, 173.86, 174.03, 174.06, 183.01, 183.021, 183.17, 183.33, 50122  
183.34, 183.35, 307.021, 307.37, 307.695, 307.6910, 307.98, 50123  
307.981, 308.04, 317.08, 319.202, 319.281, 319.54, 321.08, 322.01, 50124  
323.151, 323.152, 323.153, 323.154, 325.31, 329.04, 329.05, 50125  
329.14, 340.03, 505.376, 517.08, 521.01, 709.191, 711.05, 711.10, 50126  
711.131, 718.13, 742.301, 1503.05, 1504.02, 1506.01, 1506.99, 50127  
1521.01, 1521.20, 1521.21, 1521.22, 1521.23, 1521.24, 1521.25, 50128  
1521.26, 1521.27, 1521.28, 1521.29, 1521.30, 1521.99, 1531.06, 50129  
1531.35, 1548.06, 1555.08, 1557.03, 1901.34, 2151.362, 2913.40, 50130

2921.42, 2927.023, 2935.03, 3109.04, 3109.041, 3119.022, 3119.023, 50131  
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3302.03, 3302.10, 3311.24, 3313.41, 3313.603, 3313.615, 3313.64, 50133  
3313.646, 3313.66, 3313.661, 3313.98, 3314.015, 3314.02, 3314.074, 50134  
3314.08, 3314.26, 3317.01, 3317.012, 3317.013, 3317.014, 3317.015, 50135  
3317.016, 3317.017, 3317.02, 3317.021, 3317.022, 3317.023, 50136  
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3317.0216, 3317.0217, 3317.03, 3317.04, 3317.06, 3317.08, 3317.16, 50138  
3317.20, 3317.201, 3318.12, 3318.15, 3318.26, 3319.55, 3323.01, 50139  
3323.11, 3327.05, 3333.04, 3333.122, 3333.38, 3357.01, 3365.01, 50140  
3375.05, 3375.121, 3375.40, 3375.85, 3381.04, 3501.17, 3701.74, 50141  
3701.741, 3701.83, 3702.52, 3702.5211, 3702.5212, 3702.5213, 50142  
3702.57, 3702.63, 3702.68, 3704.03, 3704.14, 3705.24, 3709.09, 50143  
3709.091, 3721.51, 3721.541, 3721.56, 3734.57, 3735.672, 3745.11, 50144  
3769.087, 3770.03, 3770.06, 3905.36, 4123.35, 4141.09, 4301.43, 50145  
4503.06, 4503.061, 4503.064, 4503.065, 4503.066, 4503.067, 50146  
4503.10, 4503.102, 4503.35, 4505.06, 4513.263, 4513.35, 4519.55, 50147  
4715.251, 4717.07, 4723.621, 4723.63, 4723.64, 4723.65, 4723.66, 50148  
4731.142, 4731.22, 4736.01, 4743.05, 4755.03, 4766.05, 4775.08, 50149  
4921.40, 5101.162, 5101.21, 5101.211, 5101.212, 5101.213, 5101.24, 50150  
5101.242, 5101.244, 5101.571, 5101.572, 5101.58, 5101.59, 50151  
5101.802, 5101.98, 5104.30, 5107.02, 5107.03, 5107.05, 5107.10, 50152  
5107.12, 5107.14, 5107.16, 5107.17, 5107.281, 5107.30, 5107.36, 50153  
5107.41, 5107.42, 5111.01, 5111.014, 5111.016, 5111.019, 50154  
5111.0112, 5111.023, 5111.03, 5111.06, 5111.084, 5111.10, 50155  
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5111.8814, 5111.891, 5111.95, 5111.96, 5112.341, 5115.12, 50157  
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5123.049, 5123.0411, 5123.051, 5123.19, 5123.196, 5123.198, 50159  
5123.20, 5123.211, 5123.38, 5123.41, 5123.51, 5123.60, 5123.602, 50160  
5163.603, 5123.604, 5123.99, 5126.038, 5126.042, 5126.046, 50161  
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5126.15, 5126.18, 5126.19, 5126.25, 5126.40, 5126.42, 5126.43, 50163

5126.45, 5126.47, 5139.27, 5139.271, 5139.43, 5302.30, 5528.54, 50164  
5531.10, 5537.04, 5537.16, 5537.99, 5705.28, 5705.281, 5705.29, 50165  
5705.30, 5705.31, 5705.32, 5705.321, 5705.37, 5705.44, 5709.68, 50166  
5709.882, 5715.36, 5719.041, 5725.151, 5725.24, 5727.45, 5727.81, 50167  
5727.84, 5727.85, 5727.87, 5733.12, 5733.98, 5739.02, 5739.033, 50168  
5739.12, 5739.21, 5741.02, 5741.03, 5743.01, 5743.20, 5743.331, 50169  
5745.02, 5745.05, 5745.13, 5747.03, 5747.46, 5747.47, 5747.48, 50170  
5747.50, 5747.501, 5747.51, 5747.52, 5747.53, 5747.54, 5747.55, 50171  
5747.98, 5748.01, 5748.02, 5748.021, 5748.04, 5748.08, 5751.20, 50172  
5751.21, 5751.23, 5907.15, 6109.21, 6111.04, 6111.44, 6121.04, 50173  
6121.043, and 6131.23 of the Revised Code are hereby repealed. 50174

**Section 105.01.** That sections 125.95, 183.02, 183.27, 183.32, 50175  
3318.47, 3318.48, 3318.49, 3333.29, 3718.01, 3718.02, 3718.021, 50176  
3718.03, 3718.04, 3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 50177  
3718.10, 3718.99, 4911.021, 5111.161, 5123.16, 5123.182, 5123.199, 50178  
5126.035, 5126.036, 5126.053, 5126.431, 5126.44, 5126.451, 50179  
5747.61, 5747.62, 5747.63, and 6111.441 of the Revised Code are 50180  
hereby repealed. 50181

**Section 105.03.** That the version of section 3702.68 of the 50182  
Revised Code that was to have taken effect July 1, 2007, as a 50183  
result of Sections 3 to 5 of Am. Sub. S.B. 50 of the 121st General 50184  
Assembly, as most recently amended by Am. Sub. H.B. 66 of the 50185  
126th General Assembly, is hereby repealed. It is the intent of 50186  
this section to prevent the amendment of section 3702.68 of the 50187  
Revised Code that was to have taken effect July 1, 2007. 50188

**Section 110.07.** That the version of section 127.16 of the 50189  
Revised Code that is scheduled to take effect July 1, 2007, be 50190  
amended to read as follows: 50191

**Sec. 127.16.** (A) Upon the request of either a state agency or 50192

the director of budget and management and after the controlling board determines that an emergency or a sufficient economic reason exists, the controlling board may approve the making of a purchase without competitive selection as provided in division (B) of this section.

(B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall:

(1) Make any purchase from a particular supplier, that would amount to fifty thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for purchases made by the agency and the amount of all outstanding encumbrances for purchases made by the agency from the supplier, unless the purchase is made by competitive selection or with the approval of the controlling board;

(2) Lease real estate from a particular supplier, if the lease would amount to seventy-five thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease is made by competitive selection or with the approval of the controlling board.

(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general shall collect the amount from the person.

(D) Nothing in division (B) of this section shall be construed as:

(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and

5525.14 of the Revised Code;	50224
(2) Applying to medicaid provider agreements under Chapter	50225
5111. of the Revised Code or payments or provider agreements under	50226
the disability medical assistance program established under	50227
Chapter 5115. of the Revised Code;	50228
(3) Applying to the purchase of examinations from a sole	50229
supplier by a state licensing board under Title XLVII of the	50230
Revised Code;	50231
(4) Applying to entertainment contracts for the Ohio state	50232
fair entered into by the Ohio expositions commission, provided	50233
that the controlling board has given its approval to the	50234
commission to enter into such contracts and has approved a total	50235
budget amount for such contracts as agreed upon by commission	50236
action, and that the commission causes to be kept itemized records	50237
of the amounts of money spent under each contract and annually	50238
files those records with the clerk of the house of representatives	50239
and the clerk of the senate following the close of the fair;	50240
(5) Limiting the authority of the chief of the division of	50241
mineral resources management to contract for reclamation work with	50242
an operator mining adjacent land as provided in section 1513.27 of	50243
the Revised Code;	50244
(6) Applying to investment transactions and procedures of any	50245
state agency, except that the agency shall file with the board the	50246
name of any person with whom the agency contracts to make, broker,	50247
service, or otherwise manage its investments, as well as the	50248
commission, rate, or schedule of charges of such person with	50249
respect to any investment transactions to be undertaken on behalf	50250
of the agency. The filing shall be in a form and at such times as	50251
the board considers appropriate.	50252
(7) Applying to purchases made with money for the per cent	50253
for arts program established by section 3379.10 of the Revised	50254

Code;	50255
(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;	50256 50257 50258 50259 50260 50261
(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;	50262 50263 50264 50265
(10) Applying to any agency of the legislative branch of the state government;	50266 50267
(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;	50268 50269 50270
(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;	50271 50272 50273 50274
(13) Applying to dues or fees paid for membership in an organization or association;	50275 50276
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	50277 50278
(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;	50279 50280 50281 50282
(16) Applying to purchases of tickets for passenger air transportation;	50283 50284

(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	50285
	50286
	50287
(18) Applying to the judicial branch of state government;	50288
(19) Applying to purchases of liquor for resale by the division of liquor control;	50289
	50290
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	50291
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	50293
(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;	50294
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	50297
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	50298
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	50300
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	50301
	50302
(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;	50303
	50304
	50305
	50306
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	50307
	50308
	50309
(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 refund offset program of the internal revenue service of the United States department of the treasury;	50310
	50311
	50312
	50313
	50314

(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under <del>sections</del> <u>section</u> 5123.18, <del>5123.182, and 5123.199</del> of the Revised Code;	50315 50316 50317
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	50318 50319 50320
(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.	50321 50322 50323 50324 50325 50326
(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;	50327 50328 50329 50330 50331
(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;	50332 50333 50334 50335 50336
(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;	50337 50338 50339 50340
(33) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code;	50341 50342 50343
(34) Applying to reimbursements paid to the United States department of veterans affairs for pharmaceutical and patient	50344 50345

supply purchases made on behalf of the Ohio veterans' home agency; 50346

(35) Applying to agreements entered into with terminal 50347  
distributors of dangerous drugs under section 173.79 of the 50348  
Revised Code. 50349

(E) Notwithstanding division (B)(1) of this section, the 50350  
cumulative purchase threshold shall be seventy-five thousand 50351  
dollars for the departments of mental retardation and 50352  
developmental disabilities, mental health, rehabilitation and 50353  
correction, and youth services. 50354

(F) When determining whether a state agency has reached the 50355  
cumulative purchase thresholds established in divisions (B)(1), 50356  
(B)(2), and (E) of this section, all of the following purchases by 50357  
such agency shall not be considered: 50358

(1) Purchases made through competitive selection or with 50359  
controlling board approval; 50360

(2) Purchases listed in division (D) of this section; 50361

(3) For the purposes of the thresholds of divisions (B)(1) 50362  
and (E) of this section only, leases of real estate. 50363

(G) As used in this section, "competitive selection," 50364  
"purchase," "supplies," and "services" have the same meanings as 50365  
in section 125.01 of the Revised Code. 50366

**Section 110.08.** That the existing version of section 127.16 50367  
of the Revised Code that is scheduled to take effect July 1, 2007, 50368  
is hereby repealed. 50369

**Section 115.03.** That section 5101.213 of the Revised Code is 50370  
hereby repealed, effective July 1, 2008. 50371

**Section 130.01.** As is more completely explained in Sections 50372  
130.02 and 130.03 that follow, this act, pursuant to Section 50373

611.03 of Am. Sub. H.B. 66 of the 126th General Assembly, confirms 50374  
and orders implementation of the amendments and the enactment 50375  
referred to in Section 611.03, the taking effect of which 50376  
amendments and enactment by Am. Sub. H.B. 66 was postponed in 50377  
whole or in part by Section 611.03 pending this confirmation and 50378  
order. 50379

**Section 130.02.** (A)(1) Section 9.833 of the Revised Code is 50380  
presented in division (B) of this section solely for the purpose 50381  
of confirming the section and ordering its implementation as it 50382  
results from Am. Sub. H.B. 46 and Am. Sub. H.B. 66 of the 126th 50383  
General Assembly. Sections 3111.19, 3313.12, and 4117.08 of the 50384  
Revised Code are presented in division (B) of this section solely 50385  
for the purpose of confirming the sections and ordering their 50386  
implementation as they result from Am. Sub. H.B. 66 of the 126th 50387  
General Assembly. No other action is being taken with regard to 50388  
these sections. 50389

(2) Section 9.90 of the Revised Code is presented in division 50390  
(B) of this section for the purposes of confirming the section and 50391  
ordering its implementation as it results from Am. Sub. H.B. 66 50392  
and Sub. H.B. 193 of the 126th General Assembly and of amending 50393  
the section to read as directed by this act. Section 9.901 of the 50394  
Revised Code is presented in division (B) of this section for the 50395  
purposes of confirming the section and ordering its complete 50396  
implementation as it results from Am. Sub. H.B. 66 of the 126th 50397  
General Assembly and as it was subsequently amended by Am. Sub. 50398  
H.B. 530 of the 126th General Assembly and of amending the section 50399  
to read as directed by this act. Sections 3313.202, 3313.33, and 50400  
4117.03 of the Revised Code are presented in division (B) of this 50401  
section for the purposes of confirming the sections and ordering 50402  
their implementation as they result from Am. Sub. H.B. 66 of the 50403  
126th General Assembly and of amending the sections to read as 50404  
directed by this act. 50405

(B) Sections 9.833, 9.90, 9.901, 3311.19, 3313.12, 3313.202, 50406  
3313.33, 4117.03, and 4117.08 of the Revised Code are presented in 50407  
this division as explained in divisions (A)(1) and (2) of this 50408  
section: 50409

**Sec. 9.833.** (A) As used in this section, "political 50410  
subdivision" means a municipal corporation, township, county, or 50411  
other body corporate and politic responsible for governmental 50412  
activities in a geographic area smaller than that of the state, 50413  
and agencies and instrumentalities of these entities. For purposes 50414  
of this section, a school district is not a "political 50415  
subdivision." 50416

(B) Political subdivisions that provide health care benefits 50417  
for their officers or employees may do any of the following: 50418

(1) Establish and maintain an individual self-insurance 50419  
program with public moneys to provide authorized health care 50420  
benefits, including but not limited to, health care, prescription 50421  
drugs, dental care, and vision care, in accordance with division 50422  
(C) of this section; 50423

(2) Establish and maintain a health savings account program 50424  
whereby employees or officers may establish and maintain health 50425  
savings accounts in accordance with section 223 of the Internal 50426  
Revenue Code. Public moneys may be used to pay for or fund 50427  
federally qualified high deductible health plans that are linked 50428  
to health savings accounts or to make contributions to health 50429  
savings accounts. A health savings account program may be a part 50430  
of a self-insurance program. 50431

(3) After establishing an individual self-insurance program, 50432  
agree with other political subdivisions that have established 50433  
individual self-insurance programs for health care benefits, that 50434  
their programs will be jointly administered in a manner specified 50435  
in the agreement; 50436

(4) Pursuant to a written agreement and in accordance with 50437  
division (C) of this section, join in any combination with other 50438  
political subdivisions to establish and maintain a joint 50439  
self-insurance program to provide health care benefits; 50440

(5) Pursuant to a written agreement, join in any combination 50441  
with other political subdivisions to procure or contract for 50442  
policies, contracts, or plans of insurance to provide health care 50443  
benefits, which may include a health savings account program, for 50444  
their officers and employees subject to the agreement; 50445

(6) Use in any combination any of the policies, contracts, 50446  
plans, or programs authorized under this division. 50447

(C) Except as otherwise provided in division (E) of this 50448  
section, the following apply to individual or joint self-insurance 50449  
programs established pursuant to this section: 50450

(1) Such funds shall be reserved as are necessary, in the 50451  
exercise of sound and prudent actuarial judgment, to cover 50452  
potential cost of health care benefits for the officers and 50453  
employees of the political subdivision. A report of amounts so 50454  
reserved and disbursements made from such funds, together with a 50455  
written report of a member of the American academy of actuaries 50456  
certifying whether the amounts reserved conform to the 50457  
requirements of this division, are computed in accordance with 50458  
accepted loss reserving standards, and are fairly stated in 50459  
accordance with sound loss reserving principles, shall be prepared 50460  
and maintained, within ninety days after the last day of the 50461  
fiscal year of the entity for which the report is provided for 50462  
that fiscal year, in the office of the program administrator 50463  
described in division (C)(3) of this section. 50464

The report required by division (C)(1) of this section shall 50465  
include, but not be limited to, disbursements made for the 50466  
administration of the program, including claims paid, costs of the 50467

legal representation of political subdivisions and employees, and 50468  
fees paid to consultants. 50469

The program administrator described in division (C)(3) of 50470  
this section shall make the report required by this division 50471  
available for inspection by any person at all reasonable times 50472  
during regular business hours, and, upon the request of such 50473  
person, shall make copies of the report available at cost within a 50474  
reasonable period of time. 50475

(2) Each political subdivision shall reserve funds necessary 50476  
for an individual or joint self-insurance program in a special 50477  
fund that may be established for political subdivisions other than 50478  
an agency or instrumentality pursuant to an ordinance or 50479  
resolution of the political subdivision and not subject to section 50480  
5705.12 of the Revised Code. An agency or instrumentality shall 50481  
reserve the funds necessary for an individual or joint 50482  
self-insurance program in a special fund established pursuant to a 50483  
resolution duly adopted by the agency's or instrumentality's 50484  
governing board. The political subdivision may allocate the costs 50485  
of insurance or any self-insurance program, or both, among the 50486  
funds or accounts established under this division on the basis of 50487  
relative exposure and loss experience. 50488

(3) A contract may be awarded, without the necessity of 50489  
competitive bidding, to any person, political subdivision, 50490  
nonprofit corporation organized under Chapter 1702. of the Revised 50491  
Code, or regional council of governments created under Chapter 50492  
167. of the Revised Code for purposes of administration of an 50493  
individual or joint self-insurance program. No such contract shall 50494  
be entered into without full, prior, public disclosure of all 50495  
terms and conditions. The disclosure shall include, at a minimum, 50496  
a statement listing all representations made in connection with 50497  
any possible savings and losses resulting from the contract, and 50498  
potential liability of any political subdivision or employee. The 50499

proposed contract and statement shall be disclosed and presented 50500  
at a meeting of the political subdivision not less than one week 50501  
prior to the meeting at which the political subdivision authorizes 50502  
the contract. 50503

A contract awarded to a nonprofit corporation or a regional 50504  
council of governments under this division may provide that all 50505  
employees of the nonprofit corporation or regional council of 50506  
governments and the employees of all entities related to the 50507  
nonprofit corporation or regional council of governments may be 50508  
covered by the individual or joint self-insurance program under 50509  
the terms and conditions set forth in the contract. 50510

(4) The individual or joint self-insurance program shall 50511  
include a contract with a member of the American academy of 50512  
actuaries for the preparation of the written evaluation of the 50513  
reserve funds required under division (C)(1) of this section. 50514

(5) A joint self-insurance program may allocate the costs of 50515  
funding the program among the funds or accounts established under 50516  
this division to the participating political subdivisions on the 50517  
basis of their relative exposure and loss experience. 50518

(6) An individual self-insurance program may allocate the 50519  
costs of funding the program among the funds or accounts 50520  
established under this division to the political subdivision that 50521  
established the program. 50522

(7) Two or more political subdivisions may also authorize the 50523  
establishment and maintenance of a joint health care cost 50524  
containment program, including, but not limited to, the employment 50525  
of risk managers, health care cost containment specialists, and 50526  
consultants, for the purpose of preventing and reducing health 50527  
care costs covered by insurance, individual self-insurance, or 50528  
joint self-insurance programs. 50529

(8) A political subdivision is not liable under a joint 50530

self-insurance program for any amount in excess of amounts payable 50531  
pursuant to the written agreement for the participation of the 50532  
political subdivision in the joint self-insurance program. Under a 50533  
joint self-insurance program agreement, a political subdivision 50534  
may, to the extent permitted under the written agreement, assume 50535  
the risks of any other political subdivision. A joint 50536  
self-insurance program established under this section is deemed a 50537  
separate legal entity for the public purpose of enabling the 50538  
members of the joint self-insurance program to obtain insurance or 50539  
to provide for a formalized, jointly administered self-insurance 50540  
fund for its members. An entity created pursuant to this section 50541  
is exempt from all state and local taxes. 50542

(9) Any political subdivision, other than an agency or 50543  
instrumentality, may issue general obligation bonds, or special 50544  
obligation bonds that are not payable from real or personal 50545  
property taxes, and may also issue notes in anticipation of such 50546  
bonds, pursuant to an ordinance or resolution of its legislative 50547  
authority or other governing body for the purpose of providing 50548  
funds to pay expenses associated with the settlement of claims, 50549  
whether by way of a reserve or otherwise, and to pay the political 50550  
subdivision's portion of the cost of establishing and maintaining 50551  
an individual or joint self-insurance program or to provide for 50552  
the reserve in the special fund authorized by division (C)(2) of 50553  
this section. 50554

In its ordinance or resolution authorizing bonds or notes 50555  
under this section, a political subdivision may elect to issue 50556  
such bonds or notes under the procedures set forth in Chapter 133. 50557  
of the Revised Code. In the event of such an election, 50558  
notwithstanding Chapter 133. of the Revised Code, the maturity of 50559  
the bonds may be for any period authorized in the ordinance or 50560  
resolution not exceeding twenty years, which period shall be the 50561  
maximum maturity of the bonds for purposes of section 133.22 of 50562

the Revised Code. 50563

Bonds and notes issued under this section shall not be 50564  
considered in calculating the net indebtedness of the political 50565  
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 50566  
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 50567  
hereby made applicable to bonds or notes authorized under this 50568  
section. 50569

(10) A joint self-insurance program is not an insurance 50570  
company. Its operation does not constitute doing an insurance 50571  
business and is not subject to the insurance laws of this state. 50572

(D) A political subdivision may procure group life insurance 50573  
for its employees in conjunction with an individual or joint 50574  
self-insurance program authorized by this section, provided that 50575  
the policy of group life insurance is not self-insured. 50576

(E) Divisions (C)(1), (2), and (4) of this section do not 50577  
apply to individual self-insurance programs in municipal 50578  
corporations, townships, or counties. 50579

(F) A public official or employee of a political subdivision 50580  
who is or becomes a member of the governing body of the program 50581  
administrator of a joint self-insurance program in which the 50582  
political subdivision participates is not in violation of division 50583  
(D) or (E) of section 102.03, division (C) of section 102.04, or 50584  
section 2921.42 of the Revised Code as a result of either of the 50585  
following: 50586

(1) The political subdivision's entering under this section 50587  
into the written agreement to participate in the joint 50588  
self-insurance program; 50589

(2) The political subdivision's entering under this section 50590  
into any other contract with the joint self-insurance program. 50591

**Sec. 9.90.** (A) The governing board of any public institution 50592

of higher education, including without limitation state 50593  
universities and colleges, community college districts, university 50594  
branch districts, technical college districts, and municipal 50595  
universities, may, in addition to all other powers provided in the 50596  
Revised Code: 50597

(1) Contract for, purchase, or otherwise procure from an 50598  
insurer or insurers licensed to do business by the state of Ohio 50599  
for or on behalf of such of its employees as it may determine, 50600  
life insurance, or sickness, accident, annuity, endowment, health, 50601  
medical, hospital, dental, or surgical coverage and benefits, or 50602  
any combination thereof, by means of insurance plans or other 50603  
types of coverage, family, group or otherwise, and may pay from 50604  
funds under its control and available for such purpose all or any 50605  
portion of the cost, premium, or charge for such insurance, 50606  
coverage, or benefits. However, the governing board, in addition 50607  
to or as an alternative to the authority otherwise granted by 50608  
division (A)(1) of this section, may elect to procure coverage for 50609  
health care services, for or on behalf of such of its employees as 50610  
it may determine, by means of policies, contracts, certificates, 50611  
or agreements issued by at least two health insuring corporations 50612  
holding a certificate of authority under Chapter 1751. of the 50613  
Revised Code and may pay from funds under the governing board's 50614  
control and available for such purpose all or any portion of the 50615  
cost of such coverage. 50616

(2) Make payments to a custodial account for investment in 50617  
regulated investment company stock for the purpose of providing 50618  
retirement benefits as described in section 403(b)(7) of the 50619  
Internal Revenue Code of 1954, as amended. Such stock shall be 50620  
purchased only from persons authorized to sell such stock in this 50621  
state. 50622

Any income of an employee deferred under divisions (A)(1) and 50623  
(2) of this section in a deferred compensation program eligible 50624

for favorable tax treatment under the Internal Revenue Code of 50625  
1954, as amended, shall continue to be included as regular 50626  
compensation for the purpose of computing the contributions to and 50627  
benefits from the retirement system of such employee. Any sum so 50628  
deferred shall not be included in the computation of any federal 50629  
and state income taxes withheld on behalf of any such employee. 50630

(B) All or any portion of the cost, premium, or charge 50631  
therefor may be paid in such other manner or combination of 50632  
matters as the governing board may determine, including direct 50633  
payment by the employee in cases under division (A)(1) of this 50634  
section, and, if authorized in writing by the employee in cases 50635  
under division (A)(1) or (2) of this section, by such governing 50636  
board with moneys made available by deduction from or reduction in 50637  
salary or wages or by the foregoing of a salary or wage increase. 50638  
Nothing in section 3917.01 or section 3917.06 of the Revised Code 50639  
shall prohibit the issuance or purchase of group life insurance 50640  
authorized by this section by reason of payment of premiums 50641  
therefor by the governing board from its funds, and such group 50642  
life insurance may be so issued and purchased if otherwise 50643  
consistent with the provisions of sections 3917.01 to 3917.07 of 50644  
the Revised Code. 50645

(C) The board of education of any school district may 50646  
exercise any of the powers granted to the governing boards of 50647  
public institutions of higher education under divisions (A) and 50648  
(B) of this section, except in relation to the provision of health 50649  
care benefits to employees. All health care benefits provided to 50650  
persons employed by the public schools of this state shall be 50651  
~~medical~~ health care plans designed that contain best practices 50652  
established by the school employees health care board pursuant to 50653  
section 9.901 of the Revised Code. 50654

**Sec. 9.901.** (A)(1) All health care benefits provided to 50655

persons employed by the public ~~schools~~ school districts of this 50656  
state shall be provided by ~~medical~~ health care plans ~~designed that~~ 50657  
contain best practices established pursuant to this section by the 50658  
school employees health care board. ~~The board, in consultation~~ 50659  
~~with the superintendent of insurance, shall negotiate with and, in~~ 50660  
~~accordance with the competitive selection procedures of Chapter~~ 50661  
~~125. of the Revised Code, contract with one or more insurance~~ 50662  
~~companies authorized to do business in this state for the issuance~~ 50663  
~~of the plans. The plans described under this section shall be~~ 50664  
available to cover public school district employees not later than 50665  
the last day of the month that is the eighteenth full month after 50666  
the effective date of this amendment. The board shall release its 50667  
best practices standards prior to the eighteen-month deadline. Any 50668  
or all of the ~~medical~~ health care plans ~~designed that contain best~~ 50669  
practices specified by the board may be self-insured. ~~All~~ 50670  
~~self-insured plans adopted shall be administered by the board in~~ 50671  
~~accordance with this section.~~ As used in this section, a "public 50672  
school district" means ~~a school in~~ a city, local, exempted 50673  
village, or joint vocational school district, and includes the 50674  
educational service centers associated with those ~~schools~~ 50675  
districts. 50676

(2) ~~Prior to soliciting proposals from insurance companies~~ 50677  
~~for the issuance of medical plans, the board shall determine what~~ 50678  
~~geographic regions exist in the state based on the availability of~~ 50679  
~~providers, networks, costs, and other factors relating to~~ 50680  
~~providing health care benefits. The board shall then determine~~ 50681  
~~what medical plans are offered by school districts and existing~~ 50682  
~~consortiums in the state. The board shall determine what medical~~ 50683  
~~plan offered by a school district or existing consortium in the~~ 50684  
~~region offers the lowest premium cost plan.~~ 50685

(3) ~~The board shall develop a request for proposals and~~ 50686  
~~solicit bids for medical plans for the school districts in a~~ 50687

~~region similar to the existing plans. The board shall also~~ 50688  
~~determine the benefits offered by existing medical plans, the~~ 50689  
~~employees' costs, and the cost sharing arrangements used by public~~ 50690  
~~schools participating in a consortium. The board shall determine~~ 50691  
~~what strategies are used by the existing medical plans to manage~~ 50692  
~~health care costs and shall study the potential benefits of state~~ 50693  
~~or regional consortiums of public schools offering multiple health~~ 50694  
~~care plans.~~ 50695

~~(4) As used in this section, a:~~ 50696

~~(a) A "medical health care plan" includes group policies,~~ 50697  
~~contracts, and agreements that provide hospital, surgical, or~~ 50698  
~~medical expense coverage, including self-insured plans. A "medical~~ 50699  
~~health care plan" does not include an individual plan offered to~~ 50700  
~~the employees of a public school district, or a plan that provides~~ 50701  
~~coverage only for specific disease or accidents, or a hospital~~ 50702  
~~indemnity, medicare supplement, or other plan that provides only~~ 50703  
~~supplemental benefits, paid for by the employees of a public~~ 50704  
~~school district.~~ 50705

~~(b) A "health plan sponsor" means a public school district, a~~ 50706  
~~consortium of public school districts, or a council of~~ 50707  
~~governments.~~ 50708

(B) The school employees health care board is hereby created. 50709  
The school employees health care board shall consist of the 50710  
following ~~nine~~ twelve members and shall include individuals with 50711  
experience with public school district benefit programs, health 50712  
care industry providers, and ~~medical health care plan~~ 50713  
beneficiaries: 50714

(1) ~~Three~~ Four members appointed by the governor, one of whom 50715  
shall be representative of nonadministrative public school 50716  
district employees; 50717

(2) ~~Three~~ Four members appointed by the president of the 50718

senate, one of whom shall be representative of nonadministrative 50719  
public school district employees; 50720

(3) ~~Three~~ Four members appointed by the speaker of the house 50721  
of representatives, one of whom shall be representative of 50722  
nonadministrative public school district employees. 50723

A member of the school employees health care board shall not 50724  
be employed by, represent, or in any way be affiliated with a 50725  
private entity that is providing services to the board, an 50726  
individual school district, employers, or employees in the state 50727  
of Ohio. 50728

(C)(1) Members of the school employees health care board 50729  
shall serve four-year terms; ~~however, one of each of the initial~~ 50730  
~~members appointed under divisions (B)(1) to (3) of this section~~ 50731  
~~shall be appointed to a term of one year. The initial appointments~~ 50732  
~~under this section shall be made within forty five days after~~ 50733  
~~September 29, 2005, but may be reappointed, except as otherwise~~ 50734  
specified in division (B) of this section. 50735

~~Members' terms shall end on the twenty ninth day of~~ 50736  
~~September, but a~~ A member shall continue to serve subsequent to 50737  
the expiration of the member's term until a successor is 50738  
appointed. Any vacancy occurring during a member's term shall be 50739  
filled in the same manner as the original appointment, except that 50740  
the person appointed to fill the vacancy shall be appointed to the 50741  
remainder of the unexpired term. 50742

(2) Members shall ~~serve without~~ receive compensation ~~but~~ 50743  
fixed pursuant to division (J) of section 124.15 of the Revised 50744  
Code and shall be reimbursed from the school employees health care 50745  
fund for actual and necessary expenses incurred in the performance 50746  
of their official duties as members of the board. 50747

(3) Members may be removed by their appointing authority for 50748  
misfeasance, malfeasance, incompetence, dereliction of duty, or 50749

other just cause. 50750

(D)(1) ~~The governor shall call the first meeting of the~~ 50751  
~~school employees health care board. At that meeting, and annually~~ 50752  
~~thereafter~~ At the first meeting of the board after the first day 50753  
of January of each calendar year, the board shall elect a 50754  
chairperson and may elect members to other positions on the board 50755  
as the board considers necessary or appropriate. The board shall 50756  
meet at least ~~four~~ nine times each calendar year and shall also 50757  
meet at the call of the chairperson or ~~three~~ four or more board 50758  
members. The chairperson shall provide reasonable advance notice 50759  
of the time and place of board meetings to all members. 50760

(2) A majority of the board constitutes a quorum for the 50761  
transaction of business at a board meeting. A majority vote of the 50762  
members present is necessary for official action. 50763

(E) The school employees health care board shall conduct its 50764  
business at open meetings; however, the records of the board are 50765  
not public records for purposes of section 149.43 of the Revised 50766  
Code. 50767

(F) The school employees health care fund is hereby created 50768  
in the state treasury. ~~The public schools shall pay all school~~ 50769  
~~employees health care board plan premiums in the manner prescribed~~ 50770  
~~by the school employees health care board to the board for deposit~~ 50771  
~~into the school employees health care fund. All~~ The board shall 50772  
use all funds in the school employees health care fund ~~shall be~~ 50773  
~~used solely for the provision of health care benefits to public~~ 50774  
~~schools employees pursuant to this section~~ to carry out the 50775  
provisions of this section and related administrative costs. 50776  
~~Premiums received by the board or insurance companies contracted~~ 50777  
~~pursuant to division (A) of this section are not subject to any~~ 50778  
~~state insurance premium tax.~~ 50779

(G) The school employees health care board shall do all of 50780

the following: 50781

(1) ~~Design multiple medical~~ Adopt and release a set of 50782  
standards that shall be considered the best practices to which 50783  
public school districts shall adhere in the selection and 50784  
implementation of health care plans; 50785

(2) Develop best practices for the provision of health care 50786  
benefits and subsequently approve health care plans, ~~including~~ 50787  
~~regional plans,~~ to provide, in the board's judgment, the optimal 50788  
combination of coverage, cost, choice, and stability of health 50789  
cost benefits. ~~The board may establish more than one tier of~~ 50790  
~~premium rates for any medical plan. The board shall establish~~ 50791  
~~regions as necessary for the implementation of the board's medical~~ 50792  
~~plans. Plans and premium rates may vary across the regions~~ 50793  
~~established by the board.~~ 50794

~~(2) Set an aggregate goal~~ based on the best practices 50795  
developed by the board; 50796

(3) Require that the plans the health plan sponsors 50797  
administer make readily available to the public all cost and 50798  
design elements of the plan; 50799

(4) Determine the feasibility of procurement of selected 50800  
health care benefits through consolidated systems that offer 50801  
demonstrated economies of scale; 50802

(5) Work with health plan sponsors through educational 50803  
outlets and consultation; 50804

(6) Maintain a commitment to transparency and public access 50805  
of its meetings and activity pursuant to division (E) of this 50806  
section; 50807

(7) Promote cooperation among all organizations affected by 50808  
this section in identifying the elements for the successful 50809  
implementation of this section; 50810

~~(8)~~ (8) Develop recommendations for employee and employer 50811  
portions of premiums for the ~~board's medical~~ health care plans so 50812  
as to manage plan participation and encourage the use of 50813  
value-based plan participation by employees; 50814

~~(3) Set~~ (9) Develop recommendations for employer and employee 50815  
plan copayments, deductibles, exclusions, limitations, 50816  
formularies, premium shares, and other responsibilities; 50817

~~(4) Include~~ (10) Ensure that disease management and consumer 50818  
education programs, to the extent that the board determines is 50819  
appropriate, are included in all ~~medical~~ health care plans 50820  
~~designed by the board~~, which programs shall include, but are not 50821  
limited to, wellness programs and other measures designed to 50822  
encourage the wise use of ~~medical~~ health care plan coverage. These 50823  
programs are not services or treatments for purposes of section 50824  
3901.71 of the Revised Code. 50825

~~(5)~~(11) Create and distribute to the governor, the speaker of 50826  
the house of representatives, and the president of the senate, an 50827  
annual report covering ~~the~~ plan background; plan coverage options; 50828  
plan administration, including procedures for monitoring and 50829  
managing objectives, scope, and methodology; plan operations; 50830  
employee and employer contribution rates and the relationship 50831  
between the rates and the school employees health care fund 50832  
balance; a means to develop and maintain identity and evaluate 50833  
alternative employee and employer cost-sharing strategies; an 50834  
evaluation of the effectiveness of cost-saving services and 50835  
programs; an evaluation of efforts to control and manage member 50836  
eligibility and to insure that proper employee and employer 50837  
contributions are remitted to the trust fund; efforts to prevent 50838  
and detect fraud; and efforts to manage and monitor board 50839  
contracts; 50840

~~(6)~~(12) Utilize cost containment measures aligned with 50841  
patient, plan, and provider management strategies in developing 50842

and managing ~~medical~~ health care plans. 50843

(13) Prepare and disseminate to the public an annual report 50844  
on the status of health plan sponsors' effectiveness in making 50845  
progress to reduce the rate of increase in insurance premiums and 50846  
employee out of pocket expenses, as well as progress in improving 50847  
the health status of school district employees and their families. 50848

(H) The board also may develop and implement programs through 50849  
its own initiative for specific health benefits to be utilized by 50850  
health plan sponsors to supplement coverages offered by the school 50851  
districts, including, but not limited to, prescription drugs and 50852  
disease management. 50853

(I) The sections in Chapter 3923. of the Revised Code 50854  
regulating public employee benefit plans are not applicable to the 50855  
~~medical health care~~ plans designed pursuant to this section. 50856

~~(I)~~(J)(1) Public ~~schools~~ school districts are not subject to 50857  
this section prior to the release of ~~medical plans designed~~ 50858  
~~pursuant to~~ best practices covered by this section, but shall 50859  
adopt and implement board-approved best practices after the date 50860  
the board releases its best practices pursuant to this section and 50861  
by not later than the first day following the expiration of any 50862  
collective bargaining agreement applicable to employees of the 50863  
public school district that occurs after the release date. The 50864  
board shall designate the specific date by which a particular 50865  
public school district shall adopt and implement board-approved 50866  
best practices. 50867

~~(2) Prior to the school employees health care board's release~~ 50868  
~~of the board's initial medical plans, the~~ The board shall ~~may~~ 50869  
contract with ~~an~~ one or more independent ~~consultant~~ consultants to 50870  
analyze costs related to employee health care benefits provided by 50871  
existing public school district plans in this state. The 50872  
~~consultant shall~~ consultants may determine the benefits offered by 50873

existing ~~medical~~ health care plans, the employees' costs, and the 50874  
cost-sharing arrangements used by public ~~schools~~ school districts 50875  
either participating in a consortium or by other means. The 50876  
~~consultant shall~~ consultants may determine what strategies are 50877  
used by the existing ~~medical~~ health care plans to manage health 50878  
care costs and ~~shall~~ may study the potential benefits of state or 50879  
regional consortiums of public schools offering multiple health 50880  
care plans. Based on the findings of the analysis, the ~~consultant~~ 50881  
~~shall~~ consultants may submit written recommendations to the board 50882  
for the development and implementation of a successful ~~program~~ 50883  
best practices and programs for ~~pooling~~ improving school 50884  
districts' combined purchasing ~~power~~ for the acquisition of 50885  
employee ~~medical~~ health care plans. The ~~consultant's~~ 50886  
~~recommendations shall address, at a minimum, all of the following~~ 50887  
~~issues:~~ 50888

~~(a) The establishment of regions for the provision of medical 50889  
plans, based on the availability of providers and plans in the 50890  
state at the time that the school employees health care board is 50891  
established;~~ 50892

~~(b) The use of regional preferred provider and closed panel 50893  
plans, health savings accounts, and alternative medical plans, to 50894  
stabilize both costs and the premiums charged school districts and 50895  
district employees;~~ 50896

~~(c) The development of a system to obtain eligibility data 50897  
and data compiled pursuant to the "Consolidated Omnibus Budget 50898  
Reconciliation Act of 1985 (COBRA)," 100 Stat. 227, 29 U.S.C. 50899  
1161, as amended;~~ 50900

~~(d) The use of the competitive bidding process for regional 50901  
medical plans;~~ 50902

~~(e) The development of a timeline planning for the design and 50903  
use of board medical plans by not later than December 31, 2007;~~ 50904

<del>(f) The use of information on claims and costs and of</del>	50905
<del>information reported by districts pursuant to COBRA in analyzing</del>	50906
<del>administrative and premium costs;</del>	50907
<del>(g) The experience of states that have mandated statewide</del>	50908
<del>medical plans for public school employees, including the</del>	50909
<del>implementation strategies used by those states;</del>	50910
<del>(h) Recommended strategies for the use of first-year roll-in</del>	50911
<del>premiums in the transition from district medical plans to school</del>	50912
<del>employees health care board plans;</del>	50913
<del>(i) The option of allowing school districts to join an</del>	50914
<del>existing regional consortium as an alternative to school employees</del>	50915
<del>health care board plans;</del>	50916
<del>(j) Mandatory and optional coverages to be offered by the</del>	50917
<del>board's medical plans;</del>	50918
<del>(k) Potential risks to the state from the use of medical</del>	50919
<del>plans developed pursuant to this section;</del>	50920
<del>(l) Any legislation needed to ensure the long-term financial</del>	50921
<del>solveney and stability of a health care purchasing system;</del>	50922
<del>(m) The potential impacts of any changes to the existing</del>	50923
<del>purchasing structure on all of the following:</del>	50924
<del>(i) Existing health care pooling and consortiums;</del>	50925
<del>(ii) School district employees;</del>	50926
<del>(iii) Individual school districts.</del>	50927
<del>(n) Issues that could arise when school districts transition</del>	50928
<del>from the existing purchasing structure to a new purchasing</del>	50929
<del>structure;</del>	50930
<del>(o) Strategies available to the board in the creation of fund</del>	50931
<del>reserves and the need for stop-loss insurance coverage for</del>	50932
<del>catastrophic losses;</del>	50933

~~(p) Any legislation needed to establish and maintain medical plans designed pursuant to this section. The consultant shall submit all legislative recommendations not later than December 31, 2006, in writing, to the school employees health care board and to the governor, the speaker of the house of representatives, and the president of the senate.~~

(3) The public schools health care advisory committee is hereby created under the school employees health care board. The committee shall make recommendations to the school employees health care board related to the board's accomplishment of the duties assigned to the board under this section. The committee shall consist of eighteen members. The governor, the speaker of the house of representatives, and the president of the senate shall each appoint a representative from the Ohio education association, the Ohio school boards association, the Ohio association of school business officials, the Ohio association of health underwriters, an existing health care consortium serving public schools, and a health insuring corporation licensed to do business in Ohio and recommended by the Ohio association of health plans. The initial appointees shall ~~be appointed to a one year term not later than July 31, 2007, the members' term to begin on that date. Subsequent~~ serve until December 31, 2007; subsequent one-year appointments, to commence on the ~~thirty first day of July~~ first day of January of each year thereafter, and shall be made in the same manner. A member shall continue to serve subsequent to the expiration of the member's term until the member's successor is appointed. Any vacancy occurring during a member's term shall be filled in the same manner as the original appointment, except that the person appointed to fill the vacancy shall be appointed to the remainder of the unexpired term. The ~~governor shall call the first meeting of each newly appointed committee. At that meeting the~~ board shall elect a chairperson who shall call the time and place of future committee meetings. Committee members are

not subject to the conditions for eligibility set by division (B) 50967  
of this section for members of the school employees health care 50968  
board. 50969

~~(4) The school employees health care board shall submit a 50970  
written study to the governor and the general assembly not later 50971  
than January 31, 2007, of a plan to operate in compliance with 50972  
this section, and on the governance of the school employees health 50973  
care board. A copy of the board's plan of operation, including 50974  
audit provisions, shall accompany the report on the board's 50975  
governance and the report shall include the board's 50976  
recommendations on any legislation needed to enforce the 50977  
recommendations of the board on implementing the provisions of 50978  
this section. 50979~~

~~(5) Not later than January 15, 2009, and not later than the 50980  
same day of each subsequent year, the school employees health care 50981  
board shall submit a written report to the governor and each 50982  
member of the general assembly, which report evaluates the 50983  
performance of school employees health care board medical plans 50984  
during the previous year. Districts offering employee health care 50985  
benefits through a plan offered by a consortium of two or more 50986  
districts, or a consortium of one or more districts and one or 50987  
more political subdivisions as defined in section 9.833 of the 50988  
Revised Code, representing five thousand or more employees as of 50989  
January 1, 2005, may request permission from the school employees 50990  
health care board to continue offering consortium plans to the 50991  
districts' employees at the discretion of the board. If the board 50992  
grants permission, the permission is valid for only one year but 50993  
may be renewed annually thereafter upon application to an approval 50994  
of the board. The board shall grant initial or continued approval 50995  
upon finding, based on an actuarial evaluation of the existing 50996  
consortium plan offerings, that benefit design, premium costs, 50997  
administrative cost, and other factors considered by the board are 50998~~

~~equivalent to or lower than comparable costs of the board's plan 50999  
options offered to the local district. Age and gender adjustments, 51000  
benefit comparison adjustments, and the total cost of the 51001  
consortium plan, including administration, benefit cost, stop loss 51002  
insurance, and all other expenses or information requested by the 51003  
board shall be presented to the board prior to the board's 51004  
decision to allow a local district to continue to offer health 51005  
care benefits under a consortium plan. A district shall not 51006  
participate in the consortium plan once the district has chosen to 51007  
offer plans designed by the board to the district's employees and 51008  
begins premium payments for deposit into the school employees 51009  
health care fund. 51010~~

(6) If based upon an audit of a health care sponsor, the 51011  
board makes a determination that the sponsor no longer meets the 51012  
best practice standards adopted by the board, the board may 51013  
suspend or cancel the sponsor's right to administer plans under 51014  
the jurisdiction of the board. The decision of the board to 51015  
suspend or cancel a sponsor's right may be appealed by the sponsor 51016  
pursuant to a hearing and appeal process the board shall adopt by 51017  
rule. 51018

(5) Upon a failure by a sponsor to adhere to the directives 51019  
of the board, the board may request the attorney general to apply 51020  
to a court having jurisdiction for any necessary orders to enforce 51021  
compliance with the requirement of this section that a health care 51022  
sponsor, unless otherwise allowed, shall adopt and adhere to best 51023  
practices designed by the board or comply with any other 51024  
requirements of this section, as the case may be. The board also 51025  
may engage outside counsel if it deems necessary. 51026

(6) Upon notice by the board to the department of education 51027  
that a district is not in compliance with the board's directives 51028  
and a court order as described in this section, the department 51029  
shall withhold one per cent of all state financial aid and 51030

assistance to the district each month until the department 51031  
receives notice from the board that the district is in full 51032  
compliance with the board's directives and subsequent court order. 51033

(7) Any districts providing ~~medical~~ health care plan coverage 51034  
for the employees of public schools, ~~or that have provided~~ 51035  
~~coverage within two years prior to September 29, 2005,~~ school 51036  
districts shall provide nonidentifiable aggregate claims data for 51037  
the coverage to the school employees health care board ~~or the~~ 51038  
~~department of administrative services,~~ without charge, within 51039  
thirty days after receiving a written request from the board ~~or~~ 51040  
~~the department.~~ The claims data shall include data relating to 51041  
employee group benefit sets, demographics, and claims experience. 51042

~~(J)~~(K)(1) The school employees health care board may contract 51043  
with other state agencies for services as the board deems 51044  
necessary for the implementation and operation of this section, 51045  
based on demonstrated experience and expertise in administration, 51046  
management, data handling, actuarial studies, quality assurance, 51047  
or for other needed services. The school employees health care 51048  
board ~~shall~~ may contract with the department of administrative 51049  
services for central services until such time the board ~~is~~ deems 51050  
itself able to obtain such services from its own staff or from 51051  
other sources. The board shall reimburse the department of 51052  
administrative services for the reasonable cost of those services. 51053

~~(K)~~(2) The board shall hire staff as necessary to provide 51054  
administrative support to the board and the public school employee 51055  
health care plan program established by this section. 51056

(L) The board's administrative functions shall include, but 51057  
are not limited to, the following: 51058

(1) ~~Maintaining reserves in the school employees health care~~ 51059  
~~fund, reinsurance, and other measures that in the judgment of the~~ 51060  
~~board will result in the long term stability and solvency of the~~ 51061

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

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

~~(3) Coordinating~~ (2) Developing requests for proposals and establishing contracts for services related to the board's ~~medical~~ health care plans related to the benefits the board believes are in the best interests of employees of public school districts as permitted in division (H) of this section. ~~Contracts shall be approved by the school employees health care board.~~

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

~~(M)~~(N) Nothing in this section shall be construed as

prohibiting public ~~schools or~~ school districts from consulting 51094  
with and compensating insurance agents and brokers for 51095  
professional services. The arrangement and contracts for these 51096  
services shall be a public record and disclosed along with other 51097  
data required by the board. 51098

~~(N) The department of administrative services shall report to~~ 51099  
~~the governor, the speaker of the house of representatives, and the~~ 51100  
~~president of the senate not later than April 30, 2007, on the~~ 51101  
~~feasibility of achieving all of the following:~~ 51102

~~(1) Designing multiple medical plans to cover persons~~ 51103  
~~employed by public institutions of higher education that achieve~~ 51104  
~~an optimal combination of coverage, cost, choice, and stability,~~ 51105  
~~which plans include both state and regional preferred provider~~ 51106  
~~plans, set employee and employer premiums, and set employee plan~~ 51107  
~~copayments, deductibles, exclusions, limitations, formularies, and~~ 51108  
~~other responsibilities. For this purpose, "public institutions of~~ 51109  
~~higher education" include, without limitation, state universities~~ 51110  
~~and colleges, state community college districts, community college~~ 51111  
~~districts, university branch districts, technical college~~ 51112  
~~districts, and municipal universities.~~ 51113

~~(2) Maintaining reserves, reinsurance, and other measures to~~ 51114  
~~insure the long term stability and solvency of the medical plans;~~ 51115

~~(3) Providing appropriate health care information, wellness~~ 51116  
~~programs, and other preventive health care measures to medical~~ 51117  
~~plan beneficiaries;~~ 51118

~~(4) Coordinating contracts for services related to the~~ 51119  
~~medical plans.~~ 51120

(O)(1) Pursuant to Chapter 117. of the Revised Code, the 51121  
auditor of state shall conduct all necessary and required audits 51122  
of the board. The auditor of state, upon request, also shall 51123  
furnish to the board copies of audits of public school districts 51124

or consortia performed by the auditor of state. 51125

(2) Annually, the superintendent of insurance shall evaluate 51126  
the performance of the school employee health care board best 51127  
practices during the previous year and submit the results in 51128  
writing to the governor and the general assembly. The 51129  
superintendent also shall include in the audit of the health care 51130  
plans of the health plan sponsors for which the superintendent has 51131  
jurisdiction for a determination of adherence to the best 51132  
practices established by the board. 51133

(3) Any health care provider or other vendor that contracts 51134  
with a public school district or consortium to furnish health care 51135  
benefits or services pursuant to a health care plan under this 51136  
section, as a condition of such contract, shall agree to submit to 51137  
audits the board may require to ensure compliance with the best 51138  
practices of the board for the provision of such benefits or 51139  
services. The board may contract with persons for independent 51140  
audits of such providers or vendors. The audits shall cover the 51141  
overall performance of the provider or vendor including, but not 51142  
limited to, claims processing procedures and results, eligibility 51143  
determination procedures and standards for health care plan 51144  
participants, and adherence to best practices established by the 51145  
board. 51146

**Sec. 3311.19.** (A) The management and control of a joint 51147  
vocational school district shall be vested in the joint vocational 51148  
school district board of education. Where a joint vocational 51149  
school district is composed only of two or more local school 51150  
districts located in one county, or when all the participating 51151  
districts are in one county and the boards of such participating 51152  
districts so choose, the educational service center governing 51153  
board of the county in which the joint vocational school district 51154  
is located shall serve as the joint vocational school district 51155

board of education. Where a joint vocational school district is 51156  
composed of local school districts of more than one county, or of 51157  
any combination of city, local, or exempted village school 51158  
districts or educational service centers, unless administration by 51159  
the educational service center governing board has been chosen by 51160  
all the participating districts in one county pursuant to this 51161  
section, the board of education of the joint vocational school 51162  
district shall be composed of one or more persons who are members 51163  
of the boards of education from each of the city or exempted 51164  
village school districts or members of the educational service 51165  
centers' governing boards affected to be appointed by the boards 51166  
of education or governing boards of such school districts and 51167  
educational service centers. In such joint vocational school 51168  
districts the number and terms of members of the joint vocational 51169  
school district board of education and the allocation of a given 51170  
number of members to each of the city and exempted village 51171  
districts and educational service centers shall be determined in 51172  
the plan for such district, provided that each such joint 51173  
vocational school district board of education shall be composed of 51174  
an odd number of members. 51175

(B) Notwithstanding division (A) of this section, a governing 51176  
board of an educational service center that has members of its 51177  
governing board serving on a joint vocational school district 51178  
board of education may make a request to the joint vocational 51179  
district board that the joint vocational school district plan be 51180  
revised to provide for one or more members of boards of education 51181  
of local school districts that are within the territory of the 51182  
educational service district and within the joint vocational 51183  
school district to serve in the place of or in addition to its 51184  
educational service center governing board members. If agreement 51185  
is obtained among a majority of the boards of education and 51186  
governing boards that have a member serving on the joint 51187  
vocational school district board of education and among a majority 51188

of the local school district boards of education included in the 51189  
district and located within the territory of the educational 51190  
service center whose board requests the substitution or addition, 51191  
the state board of education may revise the joint vocational 51192  
school district plan to conform with such agreement. 51193

(C) If the board of education of any school district or 51194  
educational service center governing board included within a joint 51195  
vocational district that has had its board or governing board 51196  
membership revised under division (B) of this section requests the 51197  
joint vocational school district board to submit to the state 51198  
board of education a revised plan under which one or more joint 51199  
vocational board members chosen in accordance with a plan revised 51200  
under such division would again be chosen in the manner prescribed 51201  
by division (A) of this section, the joint vocational board shall 51202  
submit the revised plan to the state board of education, provided 51203  
the plan is agreed to by a majority of the boards of education 51204  
represented on the joint vocational board, a majority of the local 51205  
school district boards included within the joint vocational 51206  
district, and each educational service center governing board 51207  
affected by such plan. The state board of education may revise the 51208  
joint vocational school district plan to conform with the revised 51209  
plan. 51210

(D) The vocational schools in such joint vocational school 51211  
district shall be available to all youth of school age within the 51212  
joint vocational school district subject to the rules adopted by 51213  
the joint vocational school district board of education in regard 51214  
to the standards requisite to admission. A joint vocational school 51215  
district board of education shall have the same powers, duties, 51216  
and authority for the management and operation of such joint 51217  
vocational school district as is granted by law, except by this 51218  
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 51219  
Code, to a board of education of a city school district, and shall 51220

be subject to all the provisions of law that apply to a city 51221  
school district, except such provisions in this chapter and 51222  
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 51223

(E) Where a governing board of an educational service center 51224  
has been designated to serve as the joint vocational school 51225  
district board of education, the educational service center 51226  
superintendent shall be the executive officer for the joint 51227  
vocational school district, and the governing board may provide 51228  
for additional compensation to be paid to the educational service 51229  
center superintendent by the joint vocational school district, but 51230  
the educational service center superintendent shall have no 51231  
continuing tenure other than that of educational service center 51232  
superintendent. The superintendent of schools of a joint 51233  
vocational school district shall exercise the duties and authority 51234  
vested by law in a superintendent of schools pertaining to the 51235  
operation of a school district and the employment and supervision 51236  
of its personnel. The joint vocational school district board of 51237  
education shall appoint a treasurer of the joint vocational school 51238  
district who shall be the fiscal officer for such district and who 51239  
shall have all the powers, duties, and authority vested by law in 51240  
a treasurer of a board of education. Where a governing board of an 51241  
educational service center has been designated to serve as the 51242  
joint vocational school district board of education, such board 51243  
may appoint the educational service center superintendent as the 51244  
treasurer of the joint vocational school district. 51245

(F) Each member of a joint vocational school district board 51246  
of education may be paid such compensation as the board provides 51247  
by resolution, but it shall not exceed one hundred twenty-five 51248  
dollars per member for each meeting attended plus mileage, at the 51249  
rate per mile provided by resolution of the board, to and from 51250  
meetings of the board. 51251

The board may provide by resolution for the deduction of 51252

amounts payable for benefits under section 3313.202 of the Revised Code. 51253  
51254

Each member of a joint vocational school district board may 51255  
be paid such compensation as the board provides by resolution for 51256  
attendance at an approved training program, provided that such 51257  
compensation shall not exceed sixty dollars per day for attendance 51258  
at a training program three hours or fewer in length and one 51259  
hundred twenty-five dollars a day for attendance at a training 51260  
program longer than three hours in length. However, no board 51261  
member shall be compensated for the same training program under 51262  
this section and section 3313.12 of the Revised Code. 51263

**Sec. 3313.12.** Each member of the educational service center 51264  
governing board may be paid such compensation as the governing 51265  
board provides by resolution, provided that any such compensation 51266  
shall not exceed one hundred twenty-five dollars a day plus 51267  
mileage both ways, at the rate per mile provided by resolution of 51268  
the governing board, for attendance at any meeting of the board. 51269  
Such compensation and the expenses of the educational service 51270  
center superintendent, itemized and verified, shall be paid from 51271  
the educational service center governing board fund upon vouchers 51272  
signed by the president of the governing board. 51273

The board of education of any city, local, or exempted 51274  
village school district may provide by resolution for compensation 51275  
of its members, provided that such compensation shall not exceed 51276  
one hundred twenty-five dollars per member for meetings attended. 51277  
The board may provide by resolution for the deduction of amounts 51278  
payable for benefits under section 3313.202 of the Revised Code. 51279

Each member of a district board or educational service center 51280  
governing board may be paid such compensation as the respective 51281  
board provides by resolution for attendance at an approved 51282  
training program, provided that such compensation shall not exceed 51283

sixty dollars a day for attendance at a training program three 51284  
hours or fewer in length and one hundred twenty-five dollars a day 51285  
for attendance at a training program longer than three hours in 51286  
length. 51287

**Sec. 3313.202.** Any elected or appointed member of the board 51288  
of education of a school district and the dependent children and 51289  
spouse of the member may be covered, at the option of the member, 51290  
under any ~~medical~~ health care plan ~~designed~~ containing best 51291  
practices prescribed by the school employees health care board 51292  
under section 9.901 of the Revised Code. The member shall pay all 51293  
premiums for that coverage. Payments for such coverage shall be 51294  
made, in advance, in a manner prescribed by the school employees 51295  
health care board. The member's exercise of an option to be 51296  
covered under this section shall be in writing, announced at a 51297  
regular public meeting of the board of education, and recorded as 51298  
a public record in the minutes of the board. 51299

**Sec. 3313.33.** (A) Conveyances made by a board of education 51300  
shall be executed by the president and treasurer thereof. 51301

(B) Except as provided in division (C) of this section, no 51302  
member of the board shall have, directly or indirectly, any 51303  
pecuniary interest in any contract of the board or be employed in 51304  
any manner for compensation by the board of which the person is a 51305  
member. No contract shall be binding upon any board unless it is 51306  
made or authorized at a regular or special meeting of such board. 51307

(C) A member of the board may have a pecuniary interest in a 51308  
contract of the board if all of the following apply: 51309

(1) The member's pecuniary interest in that contract is that 51310  
the member is employed by a political subdivision, 51311  
instrumentality, or agency of the state that is contracting with 51312  
the board; 51313

(2) The member does not participate in any discussion or 51314  
debate regarding the contract or vote on the contract; 51315

(3) The member files with the school district treasurer an 51316  
affidavit stating the member's exact employment status with the 51317  
political subdivision, instrumentality, or agency contracting with 51318  
the board. 51319

(D) This section does not apply where a member of the board, 51320  
being a shareholder of a corporation but not being an officer or 51321  
director thereof, owns not in excess of five per cent of the stock 51322  
of such corporation. If a stockholder desires to avail self of the 51323  
exception, before entering upon such contract such person shall 51324  
first file with the treasurer an affidavit stating the 51325  
stockholder's exact status and connection with said corporation. 51326

This section does not apply where a member of the board 51327  
elects to be covered by a ~~medical~~ health care plan under section 51328  
3313.202 of the Revised Code. 51329

**Sec. 4117.03.** (A) Public employees have the right to: 51330

(1) Form, join, assist, or participate in, or refrain from 51331  
forming, joining, assisting, or participating in, except as 51332  
otherwise provided in Chapter 4117. of the Revised Code, any 51333  
employee organization of their own choosing; 51334

(2) Engage in other concerted activities for the purpose of 51335  
collective bargaining or other mutual aid and protection; 51336

(3) Representation by an employee organization; 51337

(4) Bargain collectively with their public employers to 51338  
determine wages, hours, terms and other conditions of employment 51339  
and the continuation, modification, or deletion of an existing 51340  
provision of a collective bargaining agreement, and enter into 51341  
collective bargaining agreements; 51342

(5) Present grievances and have them adjusted, without the 51343

intervention of the bargaining representative, as long as the 51344  
adjustment is not inconsistent with the terms of the collective 51345  
bargaining agreement then in effect and as long as the bargaining 51346  
representatives have the opportunity to be present at the 51347  
adjustment. 51348

(B) Persons on active duty or acting in any capacity as 51349  
members of the organized militia do not have collective bargaining 51350  
rights. 51351

(C) Except as provided in division (D) of this section, 51352  
nothing in Chapter 4117. of the Revised Code prohibits public 51353  
employers from electing to engage in collective bargaining, to 51354  
meet and confer, to hold discussions, or to engage in any other 51355  
form of collective negotiations with public employees who are not 51356  
subject to Chapter 4117. of the Revised Code pursuant to division 51357  
(C) of section 4117.01 of the Revised Code. 51358

(D) A public employer shall not engage in collective 51359  
bargaining or other forms of collective negotiations with the 51360  
employees of county boards of elections referred to in division 51361  
(C)(12) of section 4117.01 of the Revised Code. 51362

(E)~~(1)~~ Employees of public ~~school~~ schools may bargain 51363  
collectively for health care benefits; however, all health care 51364  
benefits shall ~~be provided through~~ include best practices 51365  
prescribed by the school employees health care board ~~medical~~ 51366  
~~plans~~, in accordance with section 9.901 of the Revised Code. ~~If a~~ 51367  
~~school district provides its employees with health care benefits~~ 51368  
~~pursuant to collective bargaining, the employees shall be~~ 51369  
~~permitted to choose a plan option from among the school employees~~ 51370  
~~health care board plans agreed to during collective bargaining.~~ 51371

~~(2) During collective bargaining, employees of public schools~~ 51372  
~~may agree to pay a higher percentage of the premium for health~~ 51373  
~~benefit coverage under the plans designed by the school employees~~ 51374

~~health care board pursuant to section 9.901 of the Revised Code 51375  
than the percentage designated as the employees' contribution 51376  
level by the board. A collective bargaining agreement, however, 51377  
shall not permit the employees to contribute a lesser percentage 51378  
of the premium than that set as the employees' contribution level 51379  
by the school employees health care board, unless, in so doing, 51380  
the participating school board is able to remain in compliance 51381  
with the aggregate goal set pursuant to division (C)(3) of section 51382  
9.901 of the Revised Code. 51383~~

**Sec. 4117.08.** (A) All matters pertaining to wages, hours, or 51384  
terms and other conditions of employment and the continuation, 51385  
modification, or deletion of an existing provision of a collective 51386  
bargaining agreement are subject to collective bargaining between 51387  
the public employer and the exclusive representative, except as 51388  
otherwise specified in this section and division (E) of section 51389  
4117.03 of the Revised Code. 51390

(B) The conduct and grading of civil service examinations, 51391  
the rating of candidates, the establishment of eligible lists from 51392  
the examinations, and the original appointments from the eligible 51393  
lists are not appropriate subjects for collective bargaining. 51394

(C) Unless a public employer agrees otherwise in a collective 51395  
bargaining agreement, nothing in Chapter 4117. of the Revised Code 51396  
impairs the right and responsibility of each public employer to: 51397

(1) Determine matters of inherent managerial policy which 51398  
include, but are not limited to areas of discretion or policy such 51399  
as the functions and programs of the public employer, standards of 51400  
services, its overall budget, utilization of technology, and 51401  
organizational structure; 51402

(2) Direct, supervise, evaluate, or hire employees; 51403

(3) Maintain and improve the efficiency and effectiveness of 51404

governmental operations;	51405
(4) Determine the overall methods, process, means, or personnel by which governmental operations are to be conducted;	51406
(5) Suspend, discipline, demote, or discharge for just cause, or lay off, transfer, assign, schedule, promote, or retain employees;	51408
(6) Determine the adequacy of the work force;	51409
(7) Determine the overall mission of the employer as a unit of government;	51410
(8) Effectively manage the work force;	51411
(9) Take actions to carry out the mission of the public employer as a governmental unit.	51412
The employer is not required to bargain on subjects reserved to the management and direction of the governmental unit except as affect wages, hours, terms and conditions of employment, and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. A public employee or exclusive representative may raise a legitimate complaint or file a grievance based on the collective bargaining agreement.	51413
<b>Section 130.03.</b> Section 611.03 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.	51414
<b>Section 130.04.</b> Existing sections 9.90, 9.901, 3313.202, 3313.33, and 4117.03 of the Revised Code are hereby repealed.	51415
<b>Section 130.05.</b> The Governor, the President of the Senate, and the Speaker of the House of Representatives each shall appoint one additional member to the School Employees Health Care Board created pursuant to section 9.901 of the Revised Code. The terms of these additional members as well as the terms of the current	51416
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members shall end on December 31, 2010. Thereafter, terms of 51433  
office shall be as specified in section 9.901 of the Revised Code 51434  
as it results from its amendment by this act. The three additional 51435  
members each shall be representative of nonadministrative public 51436  
school employees. 51437

**Section 201.01.** Except as otherwise provided in this act, all 51438  
appropriation items in this act are appropriated out of any moneys 51439  
in the state treasury to the credit of the designated fund that 51440  
are not otherwise appropriated. For all appropriations made in 51441  
this act, the amounts in the first column are for fiscal year 2008 51442  
and the amounts in the second column are for fiscal year 2009. 51443  
51444

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 51445

General Services Fund Group				51446
4J8	889-601	CPA Education	\$ 325,000 \$ 325,000	51447
Assistance				
4K9	889-609	Operating Expenses	\$ 1,092,246 \$ 1,117,000	51448
TOTAL GSF General Services Fund				51449
Group				
			\$ 1,417,246 \$ 1,442,000	51450
TOTAL ALL BUDGET FUND GROUPS				51451
			\$ 1,417,246 \$ 1,442,000	

**Section 205.10.** ADJ ADJUTANT GENERAL 51453

General Revenue Fund				51454
GRF	745-401	Ohio Military Reserve	\$ 15,188 \$ 15,188	51455
GRF	745-404	Air National Guard	\$ 2,246,005 \$ 2,284,198	51456
GRF	745-407	National Guard	\$ 1,400,000 \$ 1,400,000	51457
Benefits				
GRF	745-409	Central Administration	\$ 4,295,778 \$ 4,460,069	51458
GRF	745-499	Army National Guard	\$ 5,064,836 \$ 5,169,368	51459
GRF	745-502	Ohio National Guard	\$ 102,973 \$ 102,973	51460

Unit Fund					
TOTAL GRF General Revenue Fund	\$	13,124,780	\$	13,431,796	51461
General Services Fund Group					51462
534 745-612 Property	\$	534,304	\$	534,304	51463
Operations/Management					
536 745-620 Camp Perry/Buckeye Inn	\$	1,202,970	\$	1,202,970	51464
Operations					
537 745-604 Ohio National Guard	\$	269,826	\$	269,826	51465
Facility Maintenance					
TOTAL GSF General Services Fund	\$	2,007,100	\$	2,007,100	51466
Group					
Federal Special Revenue Fund Group					51467
3E8 745-628 Air National Guard	\$	14,100,000	\$	14,906,820	51468
Agreement					
3R8 745-603 Counter Drug	\$	25,000	\$	25,000	51469
Operations					
341 745-615 Air National Guard	\$	2,497,480	\$	2,729,939	51470
Base Security					
342 745-616 Army National Guard	\$	10,146,178	\$	10,590,050	51471
Agreement					
TOTAL FED Federal Special Revenue	\$	26,768,658	\$	28,251,809	51472
Fund Group					
State Special Revenue Fund Group					51473
5U8 745-613 Community Match	\$	220,000	\$	220,000	51474
Armories					
528 745-605 Marksmanship	\$	128,600	\$	128,600	51475
Activities					
TOTAL SSR State Special Revenue	\$	348,600	\$	348,600	51476
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	42,249,138	\$	44,039,305	51477
NATIONAL GUARD BENEFITS					51478
The foregoing appropriation item 745-407, National Guard					51479

Benefits, shall be used for purposes of sections 5919.31 and 51480  
5919.33 of the Revised Code, and for administrative costs of the 51481  
associated programs. 51482

For active duty members of the Ohio National Guard who died 51483  
after October 7, 2001, while performing active duty, the death 51484  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 51485  
paid to the beneficiary or beneficiaries designated on the 51486  
member's Servicemembers' Group Life Insurance Policy. 51487

STATE ACTIVE DUTY COSTS 51488

Of the foregoing appropriation item 745-409, Central 51489  
Administration, \$50,000 in each fiscal year shall be used for the 51490  
purpose of paying expenses related to state active duty of members 51491  
of the Ohio organized militia, in accordance with a proclamation 51492  
of the Governor. Expenses include, but are not limited to, the 51493  
cost of equipment, supplies, and services, as determined by the 51494  
Adjutant General's Department. 51495

Of the foregoing appropriation item 745-409, Central 51496  
Administration, up to \$60,000 in each fiscal year of unspent and 51497  
unencumbered funds remaining after meeting all other obligations 51498  
of this appropriation shall be used for a grant to the American 51499  
Red Cross Greater Columbus Chapter to be distributed equally to 51500  
the Ohio chapters in existence on the effective date of this 51501  
section. The funds from this grant shall be used for the Armed 51502  
Forces Emergency Services program of the American Red Cross in 51503  
Ohio to support members of the military and their families. Upon 51504  
distribution of the funds, the American Red Cross Greater Columbus 51505  
Chapter shall report to the Adjutant General on the actual 51506  
distribution to the various chapters and any administrative costs 51507  
associated with the distribution. 51508

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 51509

General Revenue Fund				51510
GRF 100-403 Public School Employee Benefits	\$	1,425,000	\$ 1,425,000	51511
GRF 100-404 CRP Procurement Program	\$	255,000	\$ 255,000	51512
GRF 100-405 Agency Audit Expenses	\$	300,000	\$ 300,000	51513
GRF 100-406 County & University Human Resources Services	\$	875,000	\$ 875,000	51514
GRF 100-410 Veterans' Records Conversion	\$	46,170	\$ 46,171	51515
GRF 100-415 OAKS Rental Payments	\$	14,162,000	\$ 14,165,000	51516
GRF 100-418 Web Sites and Business Gateway	\$	3,270,473	\$ 3,270,083	51517
GRF 100-419 IT Security Infrastructure	\$	1,500,000	\$ 1,500,000	51518
GRF 100-421 OAKS Project Implementation	\$	375,000	\$ 375,000	51519
GRF 100-433 State of Ohio Computer Center	\$	4,800,000	\$ 4,825,000	51520
GRF 100-439 Equal Opportunity Certification Programs	\$	705,000	\$ 705,000	51521
GRF 100-447 OBA - Building Rent Payments	\$	107,803,008	\$ 103,282,108	51522
GRF 100-448 OBA - Building Operating Payments	\$	26,457,000	\$ 27,303,000	51523
GRF 100-449 DAS - Building Operating Payments	\$	3,769,510	\$ 3,834,871	51524
GRF 100-451 Minority Affairs	\$	52,927	\$ 52,927	51525
GRF 100-734 Major Maintenance - State Bldgs	\$	42,000	\$ 42,000	51526
GRF 102-321 Construction Compliance	\$	1,000,000	\$ 1,000,000	51527

GRF 130-321	State Agency Support	\$	6,000,000	\$	6,250,000	51528
	Services					
TOTAL GRF	General Revenue Fund	\$	172,838,088	\$	169,506,160	51529
	General Services Fund Group					51530
112 100-616	DAS Administration	\$	5,299,427	\$	5,299,427	51531
115 100-632	Central Service Agency	\$	860,878	\$	928,403	51532
117 100-644	General Services	\$	8,295,772	\$	8,540,772	51533
	Division - Operating					
122 100-637	Fleet Management	\$	2,182,968	\$	2,032,968	51534
125 100-622	Human Resources	\$	19,890,614	\$	20,560,614	51535
	Division - Operating					
128 100-620	Collective Bargaining	\$	3,464,533	\$	3,662,534	51536
130 100-606	Risk Management	\$	2,568,548	\$	2,568,548	51537
	Reserve					
131 100-639	State Architect's	\$	7,348,483	\$	7,544,164	51538
	Office					
132 100-631	DAS Building	\$	9,716,228	\$	10,166,228	51539
	Management					
133 100-607	IT Services Delivery	\$	72,539,887	\$	75,847,949	51540
188 100-649	Equal Opportunity	\$	847,409	\$	884,650	51541
	Division - Operating					
201 100-653	General Services	\$	1,553,000	\$	1,553,000	51542
	Resale Merchandise					
210 100-612	State Printing	\$	5,681,421	\$	5,436,421	51543
229 100-630	IT Governance	\$	17,108,546	\$	17,108,546	51544
4N6 100-617	Major IT Purchases	\$	7,495,719	\$	7,495,719	51545
4P3 100-603	DAS Information	\$	4,793,190	\$	4,958,218	51546
	Services					
427 100-602	Investment Recovery	\$	5,683,564	\$	5,683,564	51547
5C2 100-605	MARCS Administration	\$	11,069,291	\$	11,069,291	51548
5C3 100-608	Skilled Trades	\$	934,982	\$	934,982	51549
5D7 100-621	Workforce Development	\$	70,000	\$	0	51550
5EB 100-635	OAKS Support	\$	19,132,671	\$	19,132,671	51551

	Organization				
5L7 100-610	Professional	\$	3,900,000	\$	3,900,000
	Development				
5V6 100-619	Employee Educational	\$	936,129	\$	936,129
	Development				
5X3 100-634	Centralized Gateway	\$	974,023	\$	974,023
	Enhancement				
TOTAL GSF	General Services Fund				51555
Group		\$	212,347,283	\$	217,218,821
TOTAL ALL BUDGET FUND GROUPS		\$	385,185,371	\$	386,724,981

**Section 207.10.10. PUBLIC SCHOOL EMPLOYEE BENEFITS** 51559

The foregoing appropriation item 100-403, Public School 51560  
Employee Benefits, shall be used by the School Employees Health 51561  
Care Board to hire staff to provide administrative support to the 51562  
Board and other lawful uses of said fund as prescribed under 51563  
section 9.901 of the Revised Code. This section succeeds Section 51564  
203.12.02 of Am. Sub. H.B. 66 of the 126th General Assembly. 51565

**Section 207.10.20. AGENCY AUDIT EXPENSES** 51566

The foregoing appropriation item 100-405, Agency Audit 51567  
Expenses, shall be used for auditing expenses designated in 51568  
division (A)(1) of section 117.13 of the Revised Code for those 51569  
state agencies audited on a biennial basis. 51570

**Section 207.10.30. OAKS RENTAL PAYMENTS** 51571

The foregoing appropriation item 100-415, OAKS Rental 51572  
Payments, shall be used for payments for the period from July 1, 51573  
2007, through June 30, 2009, pursuant to leases and agreements 51574  
entered into under Chapter 125. of the Revised Code, as 51575  
supplemented by Section 403.10 of Am. Sub. H.B. 530 of the 126th 51576  
General Assembly with respect to financing the costs associated 51577  
with the acquisition, development, installation, and 51578

implementation of the Ohio Administrative Knowledge System. If it 51579  
is determined that additional appropriations are necessary for 51580  
this purpose, the amounts are hereby appropriated. 51581

**Section 207.10.40. BUILDING RENT PAYMENTS** 51582

The foregoing appropriation item 100-447, OBA - Building Rent 51583  
Payments, shall be used to meet all payments at the times they are 51584  
required to be made during the period from July 1, 2007, to June 51585  
30, 2009, by the Department of Administrative Services to the Ohio 51586  
Building Authority pursuant to leases and agreements under Chapter 51587  
152. of the Revised Code. These appropriations are the source of 51588  
funds pledged for bond service charges on obligations issued 51589  
pursuant to Chapter 152. of the Revised Code. 51590

The foregoing appropriation item 100-448, OBA - Building 51591  
Operating Payments, shall be used to meet all payments at the 51592  
times that they are required to be made during the period from 51593  
July 1, 2007, to June 30, 2009, by the Department of 51594  
Administrative Services to the Ohio Building Authority pursuant to 51595  
leases and agreements under Chapter 152. of the Revised Code, but 51596  
limited to the aggregate amount of \$53,760,000. 51597

The payments to the Ohio Building Authority are for the 51598  
purpose of paying the expenses of agencies that occupy space in 51599  
the various state facilities. The Department of Administrative 51600  
Services may enter into leases and agreements with the Ohio 51601  
Building Authority providing for the payment of these expenses. 51602  
The Ohio Building Authority shall report to the Department of 51603  
Administrative Services and the Office of Budget and Management 51604  
not later than five months after the start of a fiscal year the 51605  
actual expenses incurred by the Ohio Building Authority in 51606  
operating the facilities and any balances remaining from payments 51607  
and rentals received in the prior fiscal year. The Department of 51608  
Administrative Services shall reduce subsequent payments by the 51609

amount of the balance reported to it by the Ohio Building Authority. 51610  
51611

**Section 207.10.50. DAS - BUILDING OPERATING PAYMENTS** 51612

The foregoing appropriation item 100-449, DAS - Building Operating Payments, shall be used to pay the rent expenses of veterans organizations pursuant to section 123.024 of the Revised Code in fiscal years 2008 and 2009. 51613  
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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. 51617  
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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). 51623  
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**Section 207.10.60. CENTRAL SERVICE AGENCY FUND** 51633

The Department of Administrative Services shall not allocate annual costs for maintaining an automated application for the professional licensing boards and for the costs of supporting licensing functions in excess of the amounts allocated for these purposes for fiscal year 2007. The charges shall be billed to the professional licensing boards and deposited via intrastate 51634  
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transfer vouchers to the credit of the Central Service Agency Fund 51640  
(Fund 115). 51641

**Section 207.10.70. ELIMINATION OF THE VEHICLE LIABILITY FUND 51642**  
ASSETS 51643

(A) Effective July 1, 2007, the Vehicle Liability Fund (Fund 51644  
127) is abolished and its functions, assets, and liabilities are 51645  
transferred to the Risk Management Reserve Fund (Fund 130). The 51646  
Risk Management Reserve Fund is thereupon and thereafter successor 51647  
to, assumes the obligations of, and otherwise constitutes the 51648  
continuation of the Vehicle Liability Fund. 51649

Any business commenced but not completed with regard to the 51650  
Vehicle Liability Fund on July 1, 2007, shall be completed with 51651  
regard to the Risk Management Reserve Fund, in the same manner, 51652  
and with the same effect, as if completed with regard to the 51653  
Vehicle Liability Fund. No validation, cure, right, privilege, 51654  
remedy, obligation, or liability is lost or impaired by reason of 51655  
the transfer and shall be administered with regard to the Risk 51656  
Management Reserve Fund. All of the rules, orders, and 51657  
determinations associated with the Vehicle Liability Fund continue 51658  
in effect as rules, orders, and determinations associated with the 51659  
Risk Management Reserve Fund, until modified or rescinded by the 51660  
Director of Administrative Services. If necessary to ensure the 51661  
integrity of the Administrative Code, the Director of the 51662  
Legislative Service Commission shall renumber the rules relating 51663  
to the Vehicle Liability Fund to reflect its transfer to the Risk 51664  
Management Reserve Fund. 51665

(B) Employees paid from the Vehicle Liability Fund shall be 51666  
transferred to the Risk Management Reserve Fund or dismissed. 51667  
Employees paid from the Vehicle Liability Fund so dismissed cease 51668  
to hold their positions of employment on July 1, 2007. 51669

(C) No judicial or administrative action or proceeding by 51670

which the Vehicle Liability Fund is affected that is pending on 51671  
July 1, 2007, is affected by the transfer of functions under 51672  
division (A) of this section. The action or proceeding shall be 51673  
prosecuted or defended on behalf of the Risk Management Reserve 51674  
Fund and the Risk Management Reserve Fund upon application to the 51675  
court or agency shall be substituted for the Vehicle Liability 51676  
Fund as affected by the action or proceeding. 51677

(D) On and after July 1, 2007, when the Vehicle Liability 51678  
Fund is referred to in any statute, rule, contract, grant, or 51679  
other document, the reference is hereby deemed to refer to the 51680  
Risk Management Reserve Fund. 51681

**Section 207.10.80. TRANSFER OF VEHICLE LIABILITY FUND ASSETS** 51682

On and after July 1, 2007, notwithstanding any provision to 51683  
the contrary, the Director of Budget and Management is authorized 51684  
to take the actions and effectuate the budget changes made 51685  
necessary by administrative reorganization, program transfers, the 51686  
creation of new funds, and the consolidation of funds required for 51687  
the transfer of the Vehicle Liability Fund Assets to the Risk 51688  
Management Reserve Fund. The Director of Budget and Management may 51689  
make any transfer of cash balances between funds. At the request 51690  
of the Director of Budget and Management, the Director of 51691  
Administrative Services shall certify to the Director of Budget 51692  
and Management an estimate of the amount of the Vehicle Liability 51693  
Fund cash balance to be transferred to the Risk Management Reserve 51694  
Fund. The Director of Budget and Management may transfer the 51695  
estimated amount when needed to make payments. Not more than 51696  
thirty days after certifying the estimated amount, the Director of 51697  
Administrative Services shall certify the final amount to the 51698  
Director of Budget and Management. The Director of Budget and 51699  
Management shall transfer the difference between any amount 51700  
previously transferred and the certified final amount. The 51701

Director of Budget and Management may cancel encumbrances and 51702  
re-establish encumbrances or parts of encumbrances of the Vehicle 51703  
Liability Fund as needed in fiscal year 2008 in the Risk 51704  
Management Reserve Fund for the same purposes. The appropriation 51705  
authority necessary to re-establish such encumbrances in fiscal 51706  
year 2008, as determined by the Director of Budget and Management, 51707  
in appropriation item 100-606, Risk Management Reserve, is hereby 51708  
appropriated. When re-established encumbrances or parts of 51709  
re-established encumbrances of the Vehicle Liability Fund are 51710  
canceled, the Director of Budget and Management shall reduce the 51711  
appropriation for appropriation item 100-606, Risk Management 51712  
Reserve, by the amount of the encumbrances canceled. The amounts 51713  
canceled are hereby authorized. Any fiscal year 2007 unencumbered 51714  
or unallotted appropriation for appropriation item 100-627, 51715  
Vehicle Liability Insurance, may be transferred to appropriation 51716  
item 100-606, Risk Management Reserve, to be used for the same 51717  
purposes, as determined by the Director of Budget and Management. 51718  
The amounts transferred are hereby appropriated. 51719

**Section 207.10.90. COLLECTIVE BARGAINING ARBITRATION EXPENSES** 51720  
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With approval of the Director of Budget and Management, the 51722  
Department of Administrative Services may seek reimbursement from 51723  
state agencies for the actual costs and expenses the department 51724  
incurs in the collective bargaining arbitration process. The 51725  
reimbursements shall be processed through intrastate transfer 51726  
vouchers and placed in the Collective Bargaining Fund (Fund 128). 51727

**Section 207.20.10. EQUAL OPPORTUNITY PROGRAM** 51728

The Department of Administrative Services, with the approval 51729  
of the Director of Budget and Management, shall establish charges 51730  
for recovering the costs of administering the activities supported 51731

by the State EEO Fund (Fund 188). These charges shall be deposited 51732  
to the credit of the State EEO Fund (Fund 188) upon payment made 51733  
by state agencies, state-supported or state-assisted institutions 51734  
of higher education, and tax-supported agencies, municipal 51735  
corporations, and other political subdivisions of the state, for 51736  
services rendered. 51737

**Section 207.20.20. MERCHANDISE FOR RESALE** 51738

The foregoing appropriation item 100-653, General Services 51739  
Resale Merchandise, shall be used to account for merchandise for 51740  
resale, which is administered by the General Services Division. 51741  
Deposits to the fund may comprise the cost of merchandise for 51742  
resale and shipping fees. 51743

**Section 207.20.30. DAS INFORMATION SERVICES** 51744

There is hereby established in the State Treasury the DAS 51745  
Information Services Fund. The foregoing appropriation item 51746  
100-603, DAS Information Services, shall be used to pay the costs 51747  
of providing information systems and services in the Department of 51748  
Administrative Services. 51749

The Department of Administrative Services shall establish 51750  
user charges for all information systems and services that are 51751  
allowable in the statewide indirect cost allocation plan submitted 51752  
annually to the United States Department of Health and Human 51753  
Services. These charges shall comply with federal regulations and 51754  
shall be deposited to the credit of the DAS Information Services 51755  
Fund (Fund 4P3). 51756

**Section 207.20.40. INVESTMENT RECOVERY FUND** 51757

Notwithstanding division (B) of section 125.14 of the Revised 51758  
Code, cash balances in the Investment Recovery Fund (Fund 427) may 51759  
be used to support the operating expenses of the Federal Surplus 51760

Operating Program created in sections 125.84 to 125.90 of the Revised Code. 51761  
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Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund may be used to support the operating expenses of the Asset Management Services Program, including, but not limited to, the cost of establishing and maintaining procedures for inventory records for state property as described in section 125.16 of the Revised Code. 51763  
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Of the foregoing appropriation item 100-602, Investment Recovery, up to \$2,271,209 in fiscal year 2008 and up to \$2,353,372 in fiscal year 2009 shall be used to pay the operating expenses of the State Surplus Property Program, the Surplus Federal Property Program, and the Asset Management Services Program under Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code. 51769  
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Of the foregoing appropriation item 100-602, Investment Recovery, \$3,412,355 in fiscal year 2008 and \$3,330,192 in fiscal year 2009 shall be used to transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds under division (A)(2) of section 125.14 of the Revised Code. If it is determined by the Director of Administrative Services that additional appropriations are necessary for the transfer of such sale proceeds, the Director of Administrative Services may request the Director of Budget and Management to increase the amounts. Such amounts are hereby appropriated. 51779  
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Notwithstanding division (B) of section 125.14 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, shall transfer up to \$500,000 51790  
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of the amounts held for transfer to the General Revenue Fund from 51793  
the Investment Recovery Fund to the State Architect's Fund (Fund 51794  
131) to provide operating cash. 51795

**Section 207.20.50. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 51796**

Effective with the implementation of the Multi-Agency Radio 51797  
Communications System, the State Chief Information Officer shall 51798  
collect user fees from participants in the system. The State Chief 51799  
Information Officer, with the advice of the Multi-Agency Radio 51800  
Communications System Steering Committee and the Director of 51801  
Budget and Management, shall determine the amount of the fees and 51802  
the manner by which the fees shall be collected. Such user charges 51803  
shall comply with the applicable cost principles issued by the 51804  
federal Office of Management and Budget. All moneys from user 51805  
charges and fees shall be deposited in the state treasury to the 51806  
credit of the Multi-Agency Radio Communications System 51807  
Administration Fund (Fund 5C2), which is hereby established in the 51808  
state treasury. All interest income derived from the investment of 51809  
the fund shall accrue to the fund. 51810

**Section 207.20.60. WORKFORCE DEVELOPMENT FUND 51811**

There is hereby established in the state treasury the 51812  
Workforce Development Fund (Fund 5D7). The foregoing appropriation 51813  
item 100-621, Workforce Development, shall be used to make 51814  
payments from the fund. The fund shall be under the supervision of 51815  
the Department of Administrative Services, which may adopt rules 51816  
with regard to administration of the fund. The fund shall be used 51817  
to pay the costs of any remaining obligations of the Workforce 51818  
Development Program, in accordance with Article 37 of the contract 51819  
between the State of Ohio and OCSEA/AFSCME, Local 11, abolished 51820  
effective March 1, 2006. These costs include, but are not limited 51821  
to, remaining grant obligations, payments for tuition 51822

reimbursement, contracted services and general overhead, and any 51823  
settlement costs associated with the Statewide Cost Allocation 51824  
Program (SWCAP). The program shall be administered in accordance 51825  
with the contract. Revenues shall accrue to the fund as specified 51826  
in the contract. The fund may be used to pay direct and indirect 51827  
costs of the program that are attributable to staff, consultants, 51828  
and service providers. All income derived from the investment of 51829  
the fund shall accrue to the fund. 51830

If it is determined by the Director of Administrative 51831  
Services that additional appropriation amounts are necessary, the 51832  
Director of Administrative Services may request that the Director 51833  
of Budget and Management increase such amounts. Such amounts are 51834  
hereby appropriated. 51835

**Section 207.20.70. OAKS SUPPORT ORGANIZATION** 51836

The foregoing appropriation item 100-635, OAKS Support 51837  
Organization, shall be used by the Office of Information 51838  
Technology to support the operating costs associated with the 51839  
implementation and maintenance of the state's enterprise resource 51840  
planning system, OAKS, consistent with its responsibilities under 51841  
this section and Chapters 125. and 126. of the Revised Code. The 51842  
OAKS Support Organization shall operate and maintain the human 51843  
capital management and financial management modules of the state's 51844  
enterprise resource planning system to support statewide human 51845  
resources and financial management activities administered by the 51846  
Department of Administrative Services' human resources division 51847  
and the Office of Budget and Management. The OAKS Support 51848  
Organization shall recover the costs to establish, operate, and 51849  
maintain the OAKS system through intrastate transfer voucher 51850  
billings to the Department of Administrative Services and the 51851  
Office of Budget and Management. Effective July 1, 2007, the 51852  
Department of Administrative Services, with the approval of the 51853

Director of Budget and Management, shall include the recovery of 51854  
the costs of administering the human capital management module of 51855  
the OAKS System within the human resources services payroll rate. 51856  
These revenues shall be deposited to the credit of the Human 51857  
Resources Services Fund (Fund 125). Amounts deposited under this 51858  
section are hereby appropriated to appropriation item 100-622, 51859  
Human Resources Division-Operating. Not less than quarterly, the 51860  
Department of Administrative Services shall process the intrastate 51861  
transfer billings to transfer cash from the Human Resources 51862  
Services Fund (Fund 125) to the OAKS Support Organization Fund 51863  
(Fund 5EB) to pay for the OAKS Support Organization costs. 51864

**Section 207.20.80. PROFESSIONAL DEVELOPMENT FUND** 51865

The foregoing appropriation item 100-610, Professional 51866  
Development, shall be used to make payments from the Professional 51867  
Development Fund (Fund 5L7) under section 124.182 of the Revised 51868  
Code. 51869

**Section 207.20.90. EMPLOYEE EDUCATIONAL DEVELOPMENT** 51870

There is hereby established in the state treasury the 51871  
Employee Educational Development Fund (Fund 5V6). The foregoing 51872  
appropriation item 100-619, Employee Educational Development, 51873  
shall be used to make payments from the fund. The fund shall be 51874  
used to pay the costs of the administration of educational 51875  
programs per existing collective bargaining agreements with 51876  
District 1199, the Health Care and Social Service Union; State 51877  
Council of Professional Educators; Ohio Education Association and 51878  
National Education Association; the Fraternal Order of Police Ohio 51879  
Labor Council, Unit 2; and the Ohio State Troopers Association, 51880  
Units 1 and 15. The fund shall be under the supervision of the 51881  
Department of Administrative Services, which may adopt rules with 51882  
regard to administration of the fund. The fund shall be 51883

administered in accordance with the applicable sections of the 51884  
collective bargaining agreements between the State and the 51885  
aforementioned unions. The Department of Administrative Services, 51886  
with the approval of the Director of Budget and Management, shall 51887  
establish charges for recovering the costs of administering the 51888  
educational programs. Receipts for these charges shall be 51889  
deposited into the Employee Educational Development Fund. All 51890  
income derived from the investment of the funds shall accrue to 51891  
the fund. 51892

If it is determined by the Director of Administrative 51893  
Services that additional appropriation amounts are necessary, the 51894  
Director of Administrative Services may request that the Director 51895  
of Budget and Management increase such amounts. Such amounts are 51896  
hereby appropriated with the approval of the Director of Budget 51897  
and Management. 51898

**Section 207.30.10. CENTRALIZED GATEWAY ENHANCEMENTS FUND** 51899

(A) As used in this section, "Ohio Business Gateway" refers 51900  
to the internet-based system operated by the Office of Information 51901  
Technology with the advice of the Ohio Business Gateway Steering 51902  
Committee established under section 5703.57 of the Revised Code. 51903  
The Ohio Business Gateway is established to provide businesses a 51904  
central web site where various filings and payments are submitted 51905  
on-line to government. The information is then distributed to the 51906  
various government entities that interact with the business 51907  
community. 51908

(B) As used in this section: 51909

(1) "State Portal" refers to the official web site of the 51910  
state, operated by the Office of Information Technology. 51911

(2) "Shared Hosting Environment" refers to the computerized 51912  
system operated by the Office of Information Technology for the 51913

purpose of providing capability for state agencies to host web sites. 51914  
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(C) There is hereby created in the state treasury the 51916  
Centralized Gateway Enhancements Fund (Fund 5X3). The foregoing 51917  
appropriation item 100-634, Centralized Gateway Enhancements, 51918  
shall be used by the Office of Information Technology to pay the 51919  
costs of enhancing, expanding, and operating the infrastructure of 51920  
the Ohio Business Gateway, State Portal, and Shared Hosting 51921  
Environment. The State Chief Information Officer shall submit 51922  
periodic spending plans to the Director of Budget and Management 51923  
to justify operating transfers to the fund from the General 51924  
Revenue Fund. Upon approval, the Director of Budget and Management 51925  
shall transfer approved amounts to the fund, not to exceed the 51926  
amount of the annual appropriation in each fiscal year. The 51927  
spending plans may be based on the recommendations of the Ohio 51928  
Business Gateway Steering Committee or its successor. 51929

**Section 207.30.20. MAJOR IT PURCHASES** 51930

The State Chief Information Officer shall compute the amount 51931  
of revenue attributable to the amortization of all equipment 51932  
purchases and capitalized systems from appropriation item 100-607, 51933  
IT Service Delivery; appropriation item 100-617, Major IT 51934  
Purchases; and appropriation item CAP-837, Major IT Purchases, 51935  
which is recovered by the Office of Information Technology as part 51936  
of the rates charged by the IT Service Delivery Fund (Fund 133) 51937  
created in section 125.15 of the Revised Code. The Director of 51938  
Budget and Management may transfer cash in an amount not to exceed 51939  
the amount of amortization computed from the IT Service Delivery 51940  
Fund (Fund 133) to the Major IT Purchases Fund (Fund 4N6). 51941

**Section 207.30.30. INFORMATION TECHNOLOGY ASSESSMENT** 51942

The State Chief Information Officer, with the approval of the 51943

Director of Budget and Management, may establish an information 51944  
technology assessment for the purpose of recovering the cost of 51945  
selected infrastructure and statewide programs. Such assessment 51946  
shall comply with applicable cost principles issued by the federal 51947  
Office of Management and Budget. The information technology 51948  
assessment shall be charged to all organized bodies, offices, or 51949  
agencies established by the laws of the state for the exercise of 51950  
any function of state government except for the General Assembly, 51951  
any legislative agency, the Supreme Court, the other courts of 51952  
record in Ohio, or any judicial agency, the Adjutant General, the 51953  
Bureau of Workers' Compensation, and institutions administered by 51954  
a board of trustees. Any state-entity exempted by this section may 51955  
utilize the infrastructure or statewide program by participating 51956  
in the information technology assessment. All charges for the 51957  
information technology assessment shall be deposited to the credit 51958  
of the IT Governance Fund (Fund 229). 51959

**Section 207.30.40. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 51960**  
**DEBT SERVICE PAYMENTS 51961**

The Director of Administrative Services, in consultation with 51962  
the Multi-Agency Radio Communication System (MARCS) Steering 51963  
Committee and the Director of Budget and Management, shall 51964  
determine the share of debt service payments attributable to 51965  
spending for MARCS components that are not specific to any one 51966  
agency and that shall be charged to agencies supported by the 51967  
motor fuel tax. Such share of debt service payments shall be 51968  
calculated for MARCS capital disbursements made beginning July 1, 51969  
1997. Within thirty days of any payment made from appropriation 51970  
item 100-447, OBA - Building Rent Payments, the Director of 51971  
Administrative Services shall certify to the Director of Budget 51972  
and Management the amount of this share. The Director of Budget 51973  
and Management shall transfer such amounts to the General Revenue 51974  
Fund from the State Highway Safety Fund (Fund 036) established in 51975

section 4501.06 of the Revised Code. 51976

The State Chief Information Officer shall consider renting or 51977  
leasing existing tower sites at reasonable or current market 51978  
rates, so long as these existing sites are equipped with the 51979  
technical capabilities to support the MARCS project. 51980

**Section 207.30.50. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY** 51981

Whenever the Director of Administrative Services declares a 51982  
"public exigency," as provided in division (C) of section 123.15 51983  
of the Revised Code, the Director shall also notify the members of 51984  
the Controlling Board. 51985

**Section 207.30.60. GENERAL SERVICE CHARGES** 51986

The Department of Administrative Services, with the approval 51987  
of the Director of Budget and Management, shall establish charges 51988  
for recovering the costs of administering the programs in the 51989  
General Services Fund (Fund 117) and the State Printing Fund (Fund 51990  
210). 51991

**Section 207.30.70. STATE ENERGY SERVICES PROGRAM** 51992

Within 30 days after the effective date of this section, or 51993  
as soon possible thereafter, the Director of Administrative 51994  
Services shall certify the remaining cash in the Federal Special 51995  
Revenue Fund (Fund 307) to the Director of Budget and Management, 51996  
who shall transfer that amount to the State Architect's Office 51997  
(Fund 131). The cash shall be used to operate the state's energy 51998  
services program. 51999

Within thirty days after the effective date of this section, 52000  
or as soon as possible thereafter, the Director of Administrative 52001  
Services shall certify the remaining cash in the Energy Grants 52002  
Fund (Fund 5A8) to the Director of Budget and Management, who 52003  
shall transfer that amount to the State Architect's Office (Fund 52004

131). The cash shall be used to operate the state's energy services program. 52005  
52006

**Section 207.30.80. FEDERAL GRANTS OGRIP** 52007

As soon as possible on or after July 1, 2007, the Director of Budget and Management may transfer cash in the amount of \$15,072.03 from the Federal Grants OGRIP Fund (Fund 3H6) to the General Revenue Fund. 52008  
52009  
52010  
52011

**Section 209.10. AAM COMMISSION ON AFRICAN AMERICAN MALES** 52012

General Revenue Fund 52013

GRF 036-100 Personal Services	\$	235,091	\$	235,091	52014
GRF 036-200 Maintenance	\$	29,000	\$	29,000	52015
GRF 036-300 Equipment	\$	1,000	\$	1,000	52016
GRF 036-502 Community Projects	\$	516,909	\$	1,016,909	52017
TOTAL GRF General Revenue Fund	\$	782,000	\$	1,282,000	52018

State Special Revenue Fund Group 52019

4H3 036-601 Commission on African American Males - Gifts/Grants	\$	10,000	\$	10,000	52020
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TOTAL SSR State Special Revenue Fund Group	\$	10,000	\$	10,000	52021
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TOTAL ALL BUDGET FUND GROUPS	\$	792,000	\$	1,292,000	52022
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**CAAM STRATEGIC PLAN** 52023

The Commission on African American Males shall develop a strategic plan to accomplish the tasks put forth in section 4112.13 of the Revised Code. 52024  
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On January 1, 2008, or as soon as possible thereafter, the Director of the Commission on African American Males shall submit a strategic plan for the use of \$500,000 in fiscal year 2008 and \$1,000,000 in fiscal year 2009 to the Governor, the President of 52027  
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the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

Not later than June 30, 2009, the Commission on African American Males shall submit a report on the impacts and outcomes of the strategic plan to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

**Section 211.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW

General Revenue Fund

GRF 029-321 Operating Expenses	\$	397,000	\$	403,000	52042
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TOTAL GRF General Revenue Fund	\$	397,000	\$	403,000	52043
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TOTAL ALL BUDGET FUND GROUPS	\$	397,000	\$	403,000	52044
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OPERATING

The Chief Administrative Officer of the House of Representatives and the Clerk of the Senate shall determine, by mutual agreement, which of them shall act as fiscal agent for the Joint Committee on Agency Rule Review.

OPERATING EXPENSES

On July 1, 2007, or as soon as possible thereafter, the designated fiscal agent shall certify to the Director of Budget and Management the total fiscal year 2007 unencumbered appropriations in appropriation item 029-321, Operating Expenses. The designated fiscal agent may direct the Director of Budget and Management to transfer an amount not to exceed the total fiscal year 2007 unencumbered appropriations to fiscal year 2008 for use in appropriation item 029-321, Operating Expenses. Additional appropriation authority equal to the amount certified by the designated fiscal agent is hereby appropriated to appropriation

item 029-321, Operating Expenses, in fiscal year 2008. 52061

On July 1, 2008, or as soon as possible thereafter, the 52062  
designated fiscal agent shall certify to the Director of Budget 52063  
and Management the total fiscal year 2008 unencumbered 52064  
appropriations in appropriation item 029-321, Operating Expenses. 52065  
The designated fiscal agent may direct the Director of Budget and 52066  
Management to transfer an amount not to exceed the total fiscal 52067  
year 2008 unencumbered appropriations to fiscal year 2009 for use 52068  
in appropriation item 029-321, Operating Expenses. Additional 52069  
appropriation authority equal to the amount certified by the 52070  
designated fiscal agent is hereby appropriated to appropriation 52071  
item 029-321, Operating Expenses, in fiscal year 2009. 52072

**Section 213.10. AGE DEPARTMENT OF AGING** 52073

General Revenue Fund				52074
GRF 490-321	Operating Expenses	\$ 2,637,571	\$ 2,637,271	52075
GRF 490-403	PASSPORT	\$ 128,391,189	\$ 158,196,465	52076
GRF 490-406	Senior Olympics	\$ 14,856	\$ 14,856	52077
GRF 490-409	Ohio Community Service	\$ 183,792	\$ 183,792	52078
Council Operations				
GRF 490-410	Long-Term Care	\$ 654,965	\$ 654,965	52079
Ombudsman				
GRF 490-411	Senior Community	\$ 10,349,439	\$ 10,349,439	52080
Services				
GRF 490-412	Residential State	\$ 9,156,771	\$ 9,156,771	52081
Supplement				
GRF 490-414	Alzheimers Respite	\$ 4,131,594	\$ 4,131,594	52082
GRF 490-416	JCFS Community Options	\$ 250,000	\$ 250,000	52083
GRF 490-421	PACE	\$ 10,214,809	\$ 10,214,809	52084
GRF 490-422	Assisted Living Waiver	\$ 12,554,940	\$ 15,213,890	52085
GRF 490-506	National Senior	\$ 335,296	\$ 335,296	52086
Service Corps				

TOTAL GRF General Revenue Fund	\$	178,875,222	\$	211,339,148	52087
General Services Fund Group					52088
480 490-606 Senior Community	\$	372,677	\$	372,677	52089
Outreach and Education					
TOTAL GSF General Services Fund					52090
Group	\$	372,677	\$	372,677	52091
Federal Special Revenue Fund Group					52092
3C4 490-607 PASSPORT	\$	301,767,486	\$	301,274,172	52093
3C4 490-621 PACE-Federal	\$	14,586,135	\$	14,586,135	52094
3C4 490-622 Assisted	\$	14,972,892	\$	21,810,442	52095
Living-Federal					
3M4 490-612 Federal Independence	\$	62,406,819	\$	63,655,080	52096
Services					
3R7 490-617 Ohio Community Service	\$	8,870,000	\$	8,870,000	52097
Council Programs					
322 490-618 Federal Aging Grants	\$	10,000,000	\$	10,200,000	52098
TOTAL FED Federal Special Revenue					52099
Fund Group	\$	412,603,332	\$	420,395,829	52100
State Special Revenue Fund Group					52101
4C4 490-609 Regional Long-Term	\$	935,000	\$	935,000	52102
Care Ombudsman Program					
4J4 490-610 PASSPORT/Residential	\$	33,491,930	\$	33,263,984	52103
State Supplement					
4U9 490-602 PASSPORT Fund	\$	4,424,969	\$	4,424,969	52104
5AA 490-673 Ohio's Best Rx	\$	1,184,154	\$	910,801	52105
Administration					
5BA 490-620 Ombudsman Support	\$	600,000	\$	600,000	52106
5K9 490-613 Long Term Care	\$	820,400	\$	820,400	52107
Consumers Guide					
5W1 490-616 Resident Services	\$	330,000	\$	330,000	52108
Coordinator Program					
624 490-604 OCSC Community Support	\$	470,000	\$	470,000	52109

TOTAL SSR State Special Revenue				52110
Fund Group	\$	42,256,453	\$	41,755,154
TOTAL ALL BUDGET FUND GROUPS	\$	634,107,684	\$	673,862,808

**Section 213.20. PRE-ADMISSION REVIEW FOR NURSING FACILITY** 52114  
**ADMISSION** 52115

Pursuant to an interagency agreement, the Department of Job and Family Services shall designate the Department of Aging to perform assessments under sections 173.42 and 5111.204 of the Revised Code. Of the foregoing appropriation item 490-403, PASSPORT, the Department of Aging may use not more than \$2,731,000 in fiscal year 2008 and \$2,813,000 in fiscal year 2009 to perform the assessments for persons not eligible for Medicaid under the department's interagency agreement with the Department of Job and Family Services and to assist individuals in planning for their long-term health care needs.

**PASSPORT** 52126

Appropriation item 490-403, PASSPORT, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, may be used to assess clients regardless of Medicaid eligibility.

The Director of Aging shall adopt rules under section 111.15 of the Revised Code governing the nonwaiver funded PASSPORT program, including client eligibility.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 490-403, PASSPORT, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, shall be used to provide the required state match for federal Medicaid funds supporting the Medicaid Waiver-funded PASSPORT Home Care Program.

Appropriation item 490-403, PASSPORT, and the amounts set aside 52142  
for the PASSPORT Waiver Program in appropriation item 490-610, 52143  
PASSPORT/Residential State Supplement, may also be used to support 52144  
the Department of Aging's administrative costs associated with 52145  
operating the PASSPORT program. 52146

The foregoing appropriation item 490-607, PASSPORT, shall be 52147  
used to provide the federal matching share for all PASSPORT 52148  
program costs determined by the Department of Job and Family 52149  
Services to be eligible for Medicaid reimbursement. 52150

OHIO COMMUNITY SERVICE COUNCIL 52151

The foregoing appropriation items 490-409, Ohio Community 52152  
Service Council Operations, and 490-617, Ohio Community Service 52153  
Council Programs, shall be used in accordance with section 121.40 52154  
of the Revised Code. 52155

LONG-TERM CARE OMBUDSMAN 52156

The foregoing appropriation item 490-410, Long-Term Care 52157  
Ombudsman, shall be used for a program to fund ombudsman program 52158  
activities as authorized in sections 173.14 to 173.27 and section 52159  
173.99 of the Revised Code. 52160

SENIOR COMMUNITY SERVICES 52161

Appropriation item 490-411, Senior Community Services, shall 52162  
be used for services designated by the Department of Aging, 52163  
including, but not limited to, home-delivered and congregate 52164  
meals, transportation services, personal care services, respite 52165  
services, adult day services, home repair, care coordination, and 52166  
decision support systems. Service priority shall be given to low 52167  
income, frail, and cognitively impaired persons 60 years of age 52168  
and over. The department shall promote cost sharing by service 52169  
recipients for those services funded with senior community 52170  
services funds, including, when possible, sliding-fee scale 52171  
payment systems based on the income of service recipients. 52172

RESIDENTIAL STATE SUPPLEMENT	52173
Under the Residential State Supplement Program, the amount	52174
used to determine whether a resident is eligible for payment and	52175
for determining the amount per month the eligible resident will	52176
receive shall be as follows:	52177
(A) \$900 for a residential care facility, as defined in	52178
section 3721.01 of the Revised Code;	52179
(B) \$900 for an adult group home, as defined in Chapter 3722.	52180
of the Revised Code;	52181
(C) \$800 for an adult foster home, as defined in Chapter 173.	52182
of the Revised Code;	52183
(D) \$800 for an adult family home, as defined in Chapter	52184
3722. of the Revised Code;	52185
(E) \$800 for an adult community alternative home, as defined	52186
in Chapter 3724. of the Revised Code;	52187
(F) \$800 for an adult residential facility, as defined in	52188
Chapter 5119. of the Revised Code;	52189
(G) \$600 for adult community mental health housing services,	52190
as defined in division (B)(5) of section 173.35 of the Revised	52191
Code.	52192
The Departments of Aging and Job and Family Services shall	52193
reflect these amounts in any applicable rules the departments	52194
adopt under section 173.35 of the Revised Code.	52195
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	52196
The Department of Aging may transfer cash by intrastate	52197
transfer vouchers from the foregoing appropriation items 490-412,	52198
Residential State Supplement, and 490-610, PASSPORT/Residential	52199
State Supplement, to the Department of Job and Family Services'	52200
Fund 4J5, Home and Community-Based Services for the Aged Fund. The	52201
funds shall be used to make benefit payments to Residential State	52202

Supplement recipients.	52203
ALZHEIMERS RESPITE	52204
The foregoing appropriation item 490-414, Alzheimers Respite,	52205
shall be used to fund only Alzheimer's disease services under	52206
section 173.04 of the Revised Code.	52207
JCFS COMMUNITY OPTIONS	52208
The foregoing appropriation item 490-416, JCFS Community	52209
Options, shall be used for noncapital expenses related to	52210
transportation services for the elderly that provide access to	52211
such things as healthcare services, congregate meals,	52212
socialization programs, and grocery shopping. The funds shall pass	52213
through and shall be administered by the Area Agencies on Aging.	52214
Agencies receiving funding from appropriation item 490-416, JCFS	52215
Community Options, shall coordinate services with other local	52216
service agencies. The appropriation shall be allocated to the	52217
following agencies:	52218
(A) \$80,000 in both fiscal years to Cincinnati Jewish	52219
Vocational Services;	52220
(B) \$70,000 in both fiscal years to Wexner Heritage Village;	52221
(C) \$20,000 in both fiscal years to Yassenoff Jewish	52222
Community Center;	52223
(D) \$80,000 in both fiscal years to Cleveland Jewish	52224
Community Center.	52225
ALLOCATION OF PACE SLOTS	52226
In order to effectively administer and manage growth within	52227
the PACE Program, the Director of Aging may, as the director deems	52228
appropriate and to the extent funding is available, allocate funds	52229
for the PACE Program between the PACE sites in Cleveland and	52230
Cincinnati.	52231
OHIO'S BEST RX START-UP COSTS	52232

An amount equal to the unencumbered balance in appropriation 52233  
item 490-440, Ohio's Best Rx Start-up Costs, from fiscal year 2007 52234  
is hereby appropriated for fiscal year 2008 into appropriation 52235  
item 490-440, Ohio's Best Rx Start-up Costs. 52236

An amount equal to the remaining unencumbered balance in 52237  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, from 52238  
fiscal year 2008 is hereby appropriated for fiscal year 2009 into 52239  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs. The 52240  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, shall 52241  
be used by the Department of Aging to pay for the administrative 52242  
and operational expenses of the Ohio's Best Rx Program in 52243  
accordance with sections 173.71 to 173.91 of the Revised Code, 52244  
including costs associated with the duties assigned by the 52245  
department to the Ohio's Best Rx Program Administrator and for 52246  
making payments to participating terminal distributors until 52247  
sufficient cash exists to make payments from the accounts created 52248  
in sections 173.85 and 173.86 of the Revised Code. Of 52249  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, not 52250  
more than \$750,000 in each fiscal year may be used by the 52251  
department for administrative and operational costs, excluding 52252  
outreach, that are not associated with the Ohio's Best Rx Program 52253  
Administrator or the payments to participating terminal 52254  
distributors. 52255

EDUCATION AND TRAINING 52256

The foregoing appropriation item 490-606, Senior Community 52257  
Outreach and Education, may be used to provide training to workers 52258  
in the field of aging pursuant to division (G) of section 173.02 52259  
of the Revised Code. 52260

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 52261

The foregoing appropriation item 490-609, Regional Long-Term 52262  
Care Ombudsman Program, shall be used solely to pay the costs of 52263

operating the regional long-term care ombudsman programs	52264
designated by the Long-Term Care Ombudsman.	52265
PASSPORT/RESIDENTIAL STATE SUPPLEMENT	52266
Of the foregoing appropriation item 490-610,	52267
PASSPORT/Residential State Supplement, up to \$2,835,000 each	52268
fiscal year may be used to fund the Residential State Supplement	52269
Program. The remaining available funds shall be used to fund the	52270
PASSPORT program.	52271
FEDERAL SUPPORTIVE SERVICES FUND	52272
On July 1, 2007, as soon as possible thereafter, the Director	52273
of Budget and Management shall transfer all assets, liabilities,	52274
revenues, and obligations associated with the Federal Aging	52275
Nutrition Fund (Fund 3M3) to the Federal Supportive Services Fund	52276
(Fund 3M4). Upon the transfer, the Federal Aging Nutrition Fund	52277
(Fund 3M3) shall cease to exist. The Director of Budget and	52278
Management shall cancel any existing encumbrances against	52279
appropriation item 490-611, Federal Aging Nutrition Fund (Fund	52280
3M3), and re-establish them against appropriation item 490-612,	52281
Federal Independence Services (Fund 3M4). The amounts of the	52282
re-established encumbrances are hereby appropriated.	52283
TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES	52284
AND FEDERAL AGING GRANTS	52285
Upon written request of the Director of Aging, the Director	52286
of Budget and Management may transfer appropriation authority	52287
among appropriation items 490-612, Federal Independence Services,	52288
and 490-618, Federal Aging Grants, in amounts not to exceed 30 per	52289
cent of the appropriation from which the transfer is made. The	52290
Department of Aging shall report a transfer to the Controlling	52291
Board at the next regularly scheduled meeting of the board.	52292
TRANSFER OF RESIDENT PROTECTION FUNDS	52293

The Director of Budget and Management shall transfer \$600,000 52294  
per year in cash from Fund 4E3, Resident Protection Fund, in the 52295  
Department of Job and Family Services, to Fund 5BA in the 52296  
Department of Aging, to be used for the expansion of ombudsman 52297  
services to enhance consumer involvement and person-centered care 52298  
planning in nursing homes by the Office of the State Long-Term 52299  
Care Ombudsman created by the Department of Aging under division 52300  
(M) of section 173.01 of the Revised Code. 52301

OHIO'S BEST RX ADMINISTRATION 52302

The foregoing appropriation item 490-673, Ohio's Best Rx 52303  
Administration, shall be used on an ongoing basis to cover 52304  
expenses associated with the Ohio's Best Rx Program specified in 52305  
section 173.86 of the Revised Code. If receipts to the fund exceed 52306  
the appropriated amount, the Director of Aging may seek 52307  
Controlling Board approval to increase the appropriation of this 52308  
fund. Upon approval from the Controlling Board, the additional 52309  
amounts are hereby appropriated. 52310

**Section 213.30.** UNIFIED LONG-TERM CARE BUDGET WORKGROUP 52311

(A) There is hereby created the Unified Long-Term Care Budget 52312  
Workgroup consisting of the following: 52313

- (1) The Director of Aging; 52314
- (2) Consumer advocates; 52315
- (3) Representatives of the provider community; 52316
- (4) State policy makers. 52317

The Director of Aging shall serve as the chairperson of the 52318  
Workgroup. 52319

(B) The Workgroup shall develop a unified long-term care 52320  
budget that facilitates the following: 52321

- (1) Providing a consumer a choice of services that meet the 52322

consumer's health care needs and improve the consumer's quality of life;	52323
	52324
(2) Providing a continuum of services that meet the needs of a consumer throughout life;	52325
	52326
(3) Consolidating policymaking authority and the associated budgets in a single entity to simplify the consumer's decision making and maximize the state's flexibility in meeting the consumer's needs;	52327
	52328
	52329
	52330
(4) Assuring the state has a system that is cost effective and links disparate services across agencies and jurisdictions.	52331
	52332
(C) The Workgroup shall submit a written implementation plan to the Governor not later than June 1, 2008. The plan shall incorporate the following:	52333
	52334
	52335
(1) Recommendations regarding the structure of the unified long-term care budget;	52336
	52337
(2) A plan outlining how funds can be transferred among involved agencies in a fiscally neutral manner;	52338
	52339
(3) Identification of the resources needed to implement the unified budget in a multiphase approach starting in fiscal year 2009;	52340
	52341
	52342
(4) Success criteria and tools to measure progress against the success criteria.	52343
	52344
The plan shall consider the recommendations of the Medicaid Administrative Study Council and the Ohio Commission to Reform Medicaid.	52345
	52346
	52347
<b>Section 215.10. AGR DEPARTMENT OF AGRICULTURE</b>	52348
General Revenue Fund	52349
GRF 700-321 Operating Expenses \$ 2,605,330 \$ 2,605,330	52350
GRF 700-401 Animal Disease Control \$ 3,574,506 \$ 3,574,506	52351

GRF 700-403	Dairy Division	\$	1,304,504	\$	1,304,504	52352
GRF 700-404	Ohio Proud	\$	196,895	\$	196,895	52353
GRF 700-405	Animal Damage Control	\$	60,000	\$	60,000	52354
GRF 700-406	Consumer Analytical Lab	\$	953,906	\$	953,906	52355
GRF 700-407	Food Safety	\$	865,100	\$	865,100	52356
GRF 700-409	Farmland Preservation	\$	241,573	\$	241,573	52357
GRF 700-410	Plant Industry	\$	150,000	\$	150,000	52358
GRF 700-411	International Trade and Market Development	\$	617,524	\$	517,524	52359
GRF 700-412	Weights and Measures	\$	1,300,000	\$	1,300,000	52360
GRF 700-413	Gypsy Moth Prevention	\$	200,000	\$	200,000	52361
GRF 700-415	Poultry Inspection	\$	325,000	\$	325,000	52362
GRF 700-418	Livestock Regulation Program	\$	1,428,496	\$	1,428,496	52363
GRF 700-424	Livestock Testing and Inspections	\$	115,946	\$	115,946	52364
GRF 700-499	Meat Inspection Program - State Share	\$	4,696,889	\$	4,696,889	52365
GRF 700-501	County Agricultural Societies	\$	483,226	\$	483,226	52366
GRF 700-503	Livestock Exhibition Fund	\$	62,500	\$	62,500	52367
TOTAL GRF	General Revenue Fund	\$	19,181,395	\$	19,081,395	52368
	General Services Fund Group					52369
5DA 700-644	Laboratory Administration Support	\$	1,100,000	\$	1,100,000	52370
TOTAL GSF	General Services Fund Group	\$	1,100,000	\$	1,100,000	52371
	Federal Special Revenue Fund Group					52372
3AB 700-641	Agricultural Easement	\$	2,000,000	\$	2,000,000	52373
3J4 700-607	Indirect Cost	\$	600,000	\$	600,000	52374

3R2	700-614	Federal Plant Industry	\$	4,800,000	\$	4,800,000	52375
326	700-618	Meat Inspection	\$	4,960,000	\$	4,950,000	52376
		Program - Federal					
		Share					
336	700-617	Ohio Farm Loan	\$	44,679	\$	44,679	52377
		Revolving Fund					
382	700-601	Cooperative Contracts	\$	3,700,000	\$	3,700,000	52378
		TOTAL FED Federal Special Revenue					52379
		Fund Group	\$	16,104,679	\$	16,094,679	52380
		State Special Revenue Fund Group					52381
4C9	700-605	Feed, Fertilizer,	\$	1,850,000	\$	1,850,000	52382
		Seed, and Lime					
		Inspection					
4D2	700-609	Auction Education	\$	24,601	\$	24,601	52383
4E4	700-606	Utility Radiological	\$	73,059	\$	73,059	52384
		Safety					
4P7	700-610	Food Safety Inspection	\$	858,096	\$	858,096	52385
4R2	700-637	Dairy Industry	\$	1,500,000	\$	1,500,000	52386
		Inspection					
4T6	700-611	Poultry and Meat	\$	47,294	\$	47,294	52387
		Inspection					
4T7	700-613	International Trade	\$	15,000	\$	15,000	52388
		and Market Development					
494	700-612	Agricultural Commodity	\$	250,000	\$	250,000	52389
		Marketing Program					
496	700-626	Ohio Grape Industries	\$	850,000	\$	849,999	52390
497	700-627	Commodity Handlers	\$	500,000	\$	500,000	52391
		Regulatory Program					
5B8	700-629	Auctioneers	\$	365,390	\$	365,390	52392
5H2	700-608	Metrology Lab and	\$	427,526	\$	427,526	52393
		Scale Certification					
5L8	700-604	Livestock Management	\$	30,000	\$	30,000	52394
		Program					

578	700-620	Ride Inspection Fees	\$	1,000,000	\$	1,000,001	52395
652	700-634	Animal and Consumer	\$	3,000,000	\$	3,000,000	52396
		Analytical Laboratory					
669	700-635	Pesticide Program	\$	2,800,000	\$	2,800,000	52397
		TOTAL SSR State Special Revenue					52398
		Fund Group	\$	13,590,966	\$	13,590,966	52399
		Clean Ohio Fund Group					52400
057	700-632	Clean Ohio	\$	149,000	\$	149,000	52401
		Agricultural Easement					
		TOTAL CLR Clean Ohio Fund Group	\$	149,000	\$	149,000	52402
		TOTAL ALL BUDGET FUND GROUPS	\$	50,126,040	\$	50,016,040	52403
		OHIO - ISRAEL AGRICULTURAL INITIATIVE					52404
		Of the foregoing General Revenue Fund appropriation item					52405
		700-411, International Trade and Market Development, \$100,000					52406
		shall be used in fiscal year 2008 for the Ohio - Israel					52407
		Agricultural Initiative.					52408
		COUNTY AGRICULTURAL SOCIETIES					52409
		The foregoing appropriation item 700-501, County Agricultural					52410
		Societies, shall be used to reimburse county and independent					52411
		agricultural societies for expenses related to Junior Fair					52412
		activities.					52413
		LIVESTOCK EXHIBITION FUND					52414
		The foregoing appropriation item 700-503, Livestock					52415
		Exhibition Fund, shall be used in accordance with section 901.42					52416
		of the Revised Code.					52417
		CORRECTIVE CASH TRANSFER TO ANIMAL HEALTH AND FOOD SAFETY					52418
		FUND					52419
		On the effective date of this section, or as soon as possible					52420
		thereafter, the Director of Budget and Management may transfer all					52421
		cash from the Animal Industry Laboratory Fund (Fund 4V5) to the					52422

Laboratory Services Fund (Fund 652) to correct deposits that were 52423  
mistakenly deposited to the Laboratory Services Fund (Fund 4V5). 52424

**Section 217.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY** 52425

General Revenue Fund 52426

GRF 898-402 Coal Development \$ 565,097 \$ 589,092 52427  
Office

GRF 898-901 Coal R&D General \$ 7,232,400 \$ 8,192,500 52428  
Obligation Debt  
Service

TOTAL GRF General Revenue Fund \$ 7,797,497 \$ 8,781,592 52429

General Services Fund Group 52430

5EG 898-608 Energy Strategy \$ 307,000 \$ 307,000 52431  
Development

TOTAL GSF General Services Fund \$ 307,000 \$ 307,000 52432

Agency Fund Group 52433

4Z9 898-602 Small Business \$ 287,146 \$ 294,290 52434  
Ombudsman

5A0 898-603 Small Business \$ 71,087 \$ 71,087 52435  
Assistance

570 898-601 Operating Expenses \$ 255,000 \$ 264,000 52436

TOTAL AGY Agency Fund Group \$ 613,233 \$ 629,377 52437

Coal Research/Development Fund 52438

046 898-604 Coal Research and \$ 10,000,000 \$ 10,000,000 52439  
Development Fund

TOTAL 046 Coal \$ 10,000,000 \$ 10,000,000 52440

Research/Development Fund

TOTAL ALL BUDGET FUND GROUPS \$ 18,717,730 \$ 19,717,969 52441

COAL DEVELOPMENT OFFICE 52442

The foregoing appropriation item GRF 898-402, Coal 52443

Development Office, shall be used for the administrative costs of 52444

the Coal Development Office. 52445

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 52446

The foregoing appropriation item GRF 898-901, Coal R & D 52447  
General Obligation Debt Service, shall be used to pay all debt 52448  
service and related financing costs at the times they are required 52449  
to be made during the period from July 1, 2007 to June 30, 2009 52450  
for obligations issued under sections 151.01 and 151.07 of the 52451  
Revised Code. 52452

SCIENCE AND TECHNOLOGY COLLABORATION 52453

The Air Quality Development Authority shall work in close 52454  
collaboration with the Department of Development, the Board of 52455  
Regents, and the Third Frontier Commission in relation to 52456  
appropriation items and programs referred to as Alignment Programs 52457  
in the following paragraph, and other technology-related 52458  
appropriations and programs in the Department of Development, Air 52459  
Quality Development Authority, and the Board of Regents as those 52460  
agencies may designate, to ensure implementation of a coherent 52461  
state strategy with respect to science and technology. 52462

To the extent permitted by law, the Air Quality Development 52463  
Authority shall assure that coal research and development 52464  
programs, proposals, and projects consider or incorporate 52465  
appropriate collaborations with Third Frontier Project programs 52466  
and grantees and with Alignment Programs and grantees. 52467

"Alignment Programs" means: appropriation items 195-401, 52468  
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 52469  
Third Frontier Action Fund; 898-604, Coal Research and Development 52470  
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 52471  
Institute of Technology; 235-510, Ohio Supercomputer Center; 52472  
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 52473  
235-535, Ohio Agricultural Research and Development Center; 52474  
235-553, Dayton Area Graduate Studies Institute; 235-554, 52475

Priorities in Collaborative Graduate Education; 235-556, Ohio 52476  
Academic Resources Network; and 195-435, Biomedical Research and 52477  
Technology Transfer Trust. 52478

Consistent with the recommendations of the Governor's 52479  
Commission on Higher Education and the Economy, Alignment Programs 52480  
shall be managed and administered (1) to build on existing 52481  
competitive research strengths, (2) to encourage new and emerging 52482  
discoveries and commercialization of ideas and products that will 52483  
benefit the Ohio economy, and (3) to assure improved collaboration 52484  
among Alignment Programs, with programs administered by the Third 52485  
Frontier Commission, and with other state programs that are 52486  
intended to improve economic growth and job creation. 52487

As directed by the Third Frontier Commission, Alignment 52488  
Program managers shall report to the Commission or to the Third 52489  
Frontier Advisory Board on the contributions of their programs to 52490  
achieving the objectives stated in the preceding paragraph. 52491

Each alignment program shall be reviewed annually by the 52492  
Third Frontier Commission with respect to its development of 52493  
complementary relationships within a combined state science and 52494  
technology investment portfolio and its overall contribution to 52495  
the state's science and technology strategy, including the 52496  
adoption of appropriately consistent criteria for: (1) the 52497  
scientific merit of activities supported by the program; (2) the 52498  
relevance of the program's activities to commercial opportunities 52499  
in the private sector; (3) the private sector's involvement in a 52500  
process that continually evaluates commercial opportunities to use 52501  
the work supported by the program; and (4) the ability of the 52502  
program and recipients of grant funding from the program to engage 52503  
in activities that are collaborative, complementary, and efficient 52504  
with respect to the expenditure of state funds. Each alignment 52505  
program shall provide annual reports to the Third Frontier 52506  
Commission discussing existing, planned, or possible 52507

collaborations between programs and recipients of grant funding 52508  
related to technology, development, commercialization, and 52509  
supporting Ohio's economic development. The annual review by the 52510  
Third Frontier Commission shall be a comprehensive review of the 52511  
entire state science and technology program portfolio rather than 52512  
a review of individual programs. 52513

Applicants for Third Frontier and Alignment Program funding 52514  
shall identify their requirements for high-performance computing 52515  
facilities and services, including both hardware and software, in 52516  
all proposals. If an applicant's requirements exceed approximately 52517  
\$100,000 for a proposal, the Ohio Supercomputer Center shall 52518  
convene a panel of experts. The panel shall review the proposal to 52519  
determine whether the proposal's requirements can be met through 52520  
Ohio Supercomputer Center facilities or through other means and 52521  
report its conclusion to the Third Frontier Commission. 52522

To ensure that the state receives the maximum benefit from 52523  
its investment in the Third Frontier Project and the Third 52524  
Frontier Network, organizations receiving Third Frontier awards 52525  
and Alignment Program awards shall, as appropriate, be expected to 52526  
have a connection to the Third Frontier Network that enables them 52527  
and their collaborators to achieve award objectives through the 52528  
Third Frontier Network. 52529

CORRECTIVE CASH TRANSFER 52530

On the effective date of this section, or as soon as possible 52531  
thereafter, the Director of Budget and Management may transfer 52532  
\$35,555.35 in cash from the Coal Research and Development Fund 52533  
(Fund 046) into the Coal Research and Development Bond Services 52534  
Fund (Fund 076) to correct deposits that were mistakenly deposited 52535  
into the Coal Research and Development Fund (Fund 046). 52536

**Section 219.10.** ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 52537  
SERVICES 52538

General Revenue Fund				52539
GRF 038-321 Operating Expenses	\$	1,071,861	\$ 1,071,861	52540
GRF 038-401 Treatment Services	\$	31,661,063	\$ 34,661,063	52541
GRF 038-404 Prevention Services	\$	1,052,127	\$ 1,552,127	52542
TOTAL GRF General Revenue Fund	\$	33,785,051	\$ 37,285,051	52543
General Services Fund				52544
5T9 038-616 Problem Gambling	\$	285,000	\$ 285,000	52545
Services				
TOTAL GSF General Services Fund	\$	285,000	\$ 285,000	52546
Group				
Federal Special Revenue Fund Group				52547
3CK 038-625 TANF	\$	5,000,000	\$ 5,000,000	52548
3G3 038-603 Drug Free Schools	\$	3,500,000	\$ 3,500,000	52549
3G4 038-614 Substance Abuse Block	\$	73,000,000	\$ 73,000,000	52550
Grant				
3H8 038-609 Demonstration Grants	\$	7,093,075	\$ 7,093,075	52551
3J8 038-610 Medicaid	\$	46,000,000	\$ 46,000,000	52552
3N8 038-611 Administrative	\$	500,000	\$ 500,000	52553
Reimbursement				
TOTAL FED Federal Special Revenue				52554
Fund Group	\$	135,093,075	\$ 135,093,075	52555
State Special Revenue Fund Group				52556
475 038-621 Statewide Treatment	\$	18,000,000	\$ 18,000,000	52557
and Prevention				
5BR 038-406 Tobacco Use Prevention	\$	205,000	\$ 205,000	52558
and Control Program				
5DH 038-620 Fetal Alcohol Spectrum	\$	327,500	\$ 327,500	52559
Disorder				
689 038-604 Education and	\$	350,000	\$ 350,000	52560
Conferences				
TOTAL SSR State Special Revenue				52561
Fund Group	\$	18,882,500	\$ 18,882,500	52562

TOTAL ALL BUDGET FUND GROUPS	\$ 188,045,626	\$ 191,545,626	52563
TREATMENT SERVICES			52564
Of the foregoing appropriation item 038-401, Treatment Services, not more than \$8,190,000 shall be used by the Department of Alcohol and Drug Addiction Services for program grants for priority populations in each year of the biennium.			52565 52566 52567 52568
SUBSTANCE ABUSE SERVICES FOR FAMILIES OF AT RISK CHILDREN			52569
Of the foregoing appropriation item 038-401, Treatment Services, \$4 million in each fiscal year shall be used to provide substance abuse services to families involved in the child welfare system under the requirements of Am. Sub. H.B. 484 of the 122nd General Assembly.			52570 52571 52572 52573 52574
THERAPEUTIC COMMUNITIES			52575
Of the foregoing appropriation item 038-401, Treatment Services, \$600,000 shall be used in each fiscal year for the Therapeutic Communities Program in the Department of Rehabilitation and Correction.			52576 52577 52578 52579
JUVENILE AFTERCARE PROGRAM			52580
Of the foregoing appropriation item 038-401, Treatment Services, \$2,500,000 shall be used in fiscal year 2009 for the Juvenile Aftercare Program to provide community-based alcohol and other drug treatment to parolees from the Department of Youth Services.			52581 52582 52583 52584 52585
SERVICES FOR TANF-ELIGIBLE INDIVIDUALS			52586
Of the foregoing appropriation item 038-625, TANF Reimbursement, an amount up to \$5 million each year shall be used to reimburse counties for TANF-eligible expenditures for substance abuse prevention and treatment services to children, or their families, whose income is at or below 200 per cent of the federal poverty level. The Director of Alcohol and Drug Addiction Services			52587 52588 52589 52590 52591 52592

and the Director of Job and Family Services shall enter into an 52593  
interagency agreement that meets federal requirements. 52594

PERFORMANCE REVIEW 52595

The Auditor of State shall complete a performance review of 52596  
the Department of Alcohol and Drug Addiction Services. Upon 52597  
completing the performance review, the Auditor of State shall 52598  
submit a report of the findings of the review to the Governor, the 52599  
President of the Senate, the Speaker of the House of 52600  
Representatives, and the Director of Alcohol and Drug Addiction 52601  
Services. 52602

**Section 221.10. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS** 52603

General Services Fund Group 52604  
4K9 891-609 Operating Expenses \$ 589,710 \$ 527,641 52605  
TOTAL GSF General Services Fund 52606  
Group \$ 589,710 \$ 527,641 52607  
TOTAL ALL BUDGET FUND GROUPS \$ 589,710 \$ 527,641 52608

**Section 223.10. ART OHIO ARTS COUNCIL** 52610

General Revenue Fund 52611  
GRF 370-100 Personal Services \$ 1,798,235 \$ 1,798,235 52612  
GRF 370-200 Maintenance \$ 459,746 \$ 459,746 52613  
GRF 370-300 Equipment \$ 82,700 \$ 82,700 52614  
GRF 370-502 State Program \$ 9,647,480 \$ 9,647,480 52615  
Subsidies  
TOTAL GRF General Revenue Fund \$ 11,988,161 \$ 11,988,161 52616  
General Services Fund Group 52617  
4B7 370-603 Percent for Art \$ 86,366 \$ 86,366 52618  
Acquisitions  
460 370-602 Management Expenses \$ 285,000 \$ 285,000 52619  
and Donations

TOTAL GSF General Services Fund	\$	371,366	\$	371,366	52620
Group					
Federal Special Revenue Fund Group					52621
314 370-601 Federal Support	\$	800,000	\$	800,000	52622
TOTAL FED Federal Special Revenue	\$	800,000	\$	800,000	52623
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	13,159,527	\$	13,159,527	52624
PROGRAM SUBSIDIES					52625
A museum is not eligible to receive funds from appropriation					52626
item 370-502, State Program Subsidies, if \$8,000,000 or more in					52627
capital appropriations were appropriated by the state for the					52628
museum between January 1, 1986, and December 31, 2002.					52629
<b>Section 225.10. ATH ATHLETIC COMMISSION</b>					52630
General Services Fund Group					52631
4K9 175-609 Operating Expenses	\$	255,850	\$	255,850	52632
TOTAL GSF General Services Fund	\$	255,850	\$	255,850	52633
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	255,850	\$	255,850	52634
<b>Section 227.10. AGO ATTORNEY GENERAL</b>					52636
General Revenue Fund					52637
GRF 055-321 Operating Expenses	\$	54,063,833	\$	54,007,332	52638
GRF 055-404 Tobacco Settlement	\$	0	\$	723,797	52639
Enforcement					
GRF 055-411 County Sheriffs' Pay	\$	813,117	\$	842,134	52640
Supplement					
GRF 055-415 County Prosecutors'	\$	896,404	\$	923,888	52641
Pay Supplement					
TOTAL GRF General Revenue Fund	\$	55,773,354	\$	56,497,151	52642
General Services Fund Group					52643

106	055-612	General Reimbursement	\$	29,870,196	\$	29,870,196	52644
195	055-660	Workers' Compensation	\$	8,002,720	\$	8,002,720	52645
		Section					
4Y7	055-608	Title Defect	\$	750,000	\$	750,000	52646
		Rescission					
4Z2	055-609	BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000	52647
		and Cost Reimbursement					
418	055-615	Charitable Foundations	\$	6,919,850	\$	7,064,978	52648
420	055-603	Attorney General	\$	1,500,000	\$	1,500,000	52649
		Antitrust					
421	055-617	Police Officers'	\$	2,000,000	\$	2,000,000	52650
		Training Academy Fee					
5A9	055-618	Telemarketing Fraud	\$	7,500	\$	7,500	52651
		Enforcement					
590	055-633	Peace Officer Private	\$	98,370	\$	98,370	52652
		Security Fund					
629	055-636	Corrupt Activity	\$	15,000	\$	15,000	52653
		Investigation and					
		Prosecution					
631	055-637	Consumer Protection	\$	2,500,000	\$	2,500,000	52654
		Enforcement					
TOTAL GSF General Services Fund							52655
Group							\$ 52,663,636 \$ 52,808,764 52656
Federal Special Revenue Fund Group							52657
3E5	055-638	Attorney General	\$	2,850,000	\$	3,030,000	52658
		Pass-Through Funds					
3R6	055-613	Attorney General	\$	4,870,000	\$	5,115,000	52659
		Federal Funds					
306	055-620	Medicaid Fraud Control	\$	3,139,500	\$	3,296,500	52660
381	055-611	Civil Rights Legal	\$	402,540	\$	402,540	52661
		Service					
383	055-634	Crime Victims	\$	16,000,000	\$	16,000,000	52662
		Assistance					

TOTAL FED Federal Special Revenue				52663
Fund Group	\$	27,262,040	\$ 27,844,040	52664
State Special Revenue Fund Group				52665
4L6 055-606 DARE	\$	3,927,962	\$ 3,927,962	52666
402 055-616 Victims of Crime	\$	34,000,000	\$ 34,000,000	52667
419 055-623 Claims Section	\$	25,000,000	\$ 25,000,000	52668
659 055-641 Solid and Hazardous Waste Background Investigations	\$	621,159	\$ 621,159	52669
TOTAL SSR State Special Revenue				52670
Fund Group	\$	63,549,121	\$ 63,549,121	52671
Holding Account Redistribution Fund Group				52672
R04 055-631 General Holding Account	\$	1,000,000	\$ 1,000,000	52673
R05 055-632 Antitrust Settlements	\$	1,000	\$ 1,000	52674
R18 055-630 Consumer Frauds	\$	750,000	\$ 750,000	52675
R42 055-601 Organized Crime Commission Distributions	\$	25,025	\$ 25,025	52676
TOTAL 090 Holding Account Redistribution Fund Group	\$	1,776,025	\$ 1,776,025	52677 52678
TOTAL ALL BUDGET FUND GROUPS	\$	201,024,176	\$ 202,475,101	52679
TOBACCO SETTLEMENT ENFORCEMENT				52680
The foregoing appropriation item 055-404, Tobacco Settlement Enforcement, shall be used by the Attorney General to pay costs incurred in the oversight, administration, and enforcement of the Tobacco Master Settlement Agreement.				52681 52682 52683 52684
COUNTY SHERIFFS' PAY SUPPLEMENT				52685
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				52686 52687 52688

325.06 of the Revised Code. 52689

At the request of the Attorney General, the Director of 52690  
Budget and Management may transfer appropriation authority from 52691  
appropriation item 055-321, Operating Expenses, to appropriation 52692  
item 055-411, County Sheriffs' Pay Supplement. Any appropriation 52693  
authority so transferred to appropriation item 055-411, County 52694  
Sheriffs' Pay Supplement, shall be used to supplement the annual 52695  
compensation of county sheriffs as required by section 325.06 of 52696  
the Revised Code. 52697

COUNTY PROSECUTORS' PAY SUPPLEMENT 52698

The foregoing appropriation item 055-415, County Prosecutors' 52699  
Pay Supplement, shall be used for the purpose of supplementing the 52700  
annual compensation of certain county prosecutors as required by 52701  
section 325.111 of the Revised Code. 52702

At the request of the Attorney General, the Director of 52703  
Budget and Management may transfer appropriation authority from 52704  
appropriation item 055-321, Operating Expenses, to appropriation 52705  
item 055-415, County Prosecutors' Pay Supplement. Any 52706  
appropriation authority so transferred to appropriation item 52707  
055-415, County Prosecutors' Pay Supplement, shall be used to 52708  
supplement the annual compensation of county prosecutors as 52709  
required by section 325.111 of the Revised Code. 52710

WORKERS' COMPENSATION SECTION 52711

The Workers' Compensation Section Fund (Fund 195) is entitled 52712  
to receive payments from the Bureau of Workers' Compensation and 52713  
the Ohio Industrial Commission at the beginning of each quarter of 52714  
each fiscal year to fund legal services to be provided to the 52715  
Bureau of Workers' Compensation and the Ohio Industrial Commission 52716  
during the ensuing quarter. The advance payment shall be subject 52717  
to adjustment. 52718

In addition, the Bureau of Workers' Compensation shall 52719

transfer payments at the beginning of each quarter for the support 52720  
of the Workers' Compensation Fraud Unit. 52721

All amounts shall be mutually agreed upon by the Attorney 52722  
General, the Bureau of Workers' Compensation, and the Ohio 52723  
Industrial Commission. 52724

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 52725

The foregoing appropriation item 055-636, Corrupt Activity 52726  
Investigation and Prosecution, shall be used as provided by 52727  
division (D)(2) of section 2923.35 of the Revised Code to dispose 52728  
of the proceeds, fines, and penalties credited to the Corrupt 52729  
Activity Investigation and Prosecution Fund, which is created in 52730  
division (D)(1)(b) of section 2923.35 of the Revised Code. 52731

GENERAL HOLDING ACCOUNT 52732

The foregoing appropriation item 055-631, General Holding 52733  
Account, shall be used to distribute moneys under the terms of 52734  
relevant court orders received from settlements in a variety of 52735  
cases involving the Office of the Attorney General. 52736

ATTORNEY GENERAL PASS-THROUGH FUNDS 52737

The foregoing appropriation item 055-638, Attorney General 52738  
Pass-Through Funds, shall be used to receive federal grant funds 52739  
provided to the Attorney General by other state agencies, 52740  
including, but not limited to, the Department of Youth Services 52741  
and the Department of Public Safety. 52742

ANTITRUST SETTLEMENTS 52743

The foregoing appropriation item 055-632, Antitrust 52744  
Settlements, shall be used to distribute court-ordered antitrust 52745  
settlements in which the Office of Attorney General represents the 52746  
state or a political subdivision under section 109.81 of the 52747  
Revised Code. 52748

CONSUMER FRAUDS 52749

The foregoing appropriation item 055-630, Consumer Frauds, 52750  
shall be used for distribution of moneys from court-ordered 52751  
judgments against sellers in actions brought by the Office of 52752  
Attorney General under sections 1334.08 and 4549.48 and division 52753  
(B) of section 1345.07 of the Revised Code. These moneys shall be 52754  
used to provide restitution to consumers victimized by the fraud 52755  
that generated the court-ordered judgments. 52756

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 52757

The foregoing appropriation item 055-601, Organized Crime 52758  
Commission Distributions, shall be used by the Organized Crime 52759  
Investigations Commission, as provided by section 177.011 of the 52760  
Revised Code, to reimburse political subdivisions for the expenses 52761  
the political subdivisions incur when their law enforcement 52762  
officers participate in an organized crime task force. 52763

FUND ADJUSTMENTS 52764

On July 1, 2007, or as soon as practicable thereafter, the 52765  
Director of Budget and Management shall transfer the cash balance 52766  
in the Employment Services Fund (Fund 107) to the General 52767  
Reimbursement Fund (Fund 106). The Director shall cancel any 52768  
existing encumbrances against appropriation item 055-624, 52769  
Employment Services, and re-establish them against appropriation 52770  
item 055-612, General Reimbursement. The amounts of the 52771  
re-established encumbrances are hereby appropriated. Upon 52772  
completion of these transfers, the Employment Services Fund (Fund 52773  
107) is hereby abolished. 52774

On July 1, 2007, or as soon as practicable thereafter, the 52775  
Director of Budget and Management shall transfer the cash balance 52776  
in the Crime Victims Compensation Fund (Fund 108) to the 52777  
Reparations Fund (Fund 402). Upon completion of this transfer, the 52778  
Crime Victims Compensation Fund (Fund 108) is hereby abolished. 52779

Section 229.10. AUD AUDITOR OF STATE				52780
General Revenue Fund				52781
GRF 070-321 Operating Expenses	\$ 31,469,552	\$ 32,771,482		52782
GRF 070-403 Fiscal Watch/Emergency	\$ 600,000	\$ 600,000		52783
Technical Assistance				
TOTAL GRF General Revenue Fund	\$ 32,069,552	\$ 33,371,482		52784
Auditor of State Fund Group				52785
109 070-601 Public Audit Expense -	\$ 11,000,000	\$ 11,000,000		52786
Intra-State				
422 070-601 Public Audit Expense -	\$ 33,000,000	\$ 34,000,000		52787
Local Government				
584 070-603 Training Program	\$ 181,250	\$ 181,250		52788
675 070-605 Uniform Accounting	\$ 3,317,336	\$ 3,317,336		52789
Network				
TOTAL AUD Auditor of State Fund				52790
Group	\$ 47,498,586	\$ 48,498,586		52791
TOTAL ALL BUDGET FUND GROUPS	\$ 79,568,138	\$ 81,870,068		52792
FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE				52793
The foregoing appropriation item 070-403, Fiscal				52794
Watch/Emergency Technical Assistance, shall be used for expenses				52795
incurred by the Office of the Auditor of State in its role				52796
relating to fiscal watch or fiscal emergency activities under				52797
Chapters 118. and 3316. of the Revised Code. Expenses include, but				52798
are not limited to, the following: duties related to the				52799
determination or termination of fiscal watch or fiscal emergency				52800
of municipal corporations, counties, or townships as outlined in				52801
Chapter 118. of the Revised Code and of school districts as				52802
outlined in Chapter 3316. of the Revised Code; development of				52803
preliminary accounting reports; performance of annual forecasts;				52804
provision of performance audits; and supervisory, accounting, or				52805
auditing services for the mentioned public entities and school				52806

districts. The unencumbered balance of appropriation item 070-403, 52807  
 Fiscal Watch/Emergency Technical Assistance, at the end of fiscal 52808  
 year 2008 is transferred to fiscal year 2009 for use under the 52809  
 same appropriation item. 52810

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 52811  
 TRANSFER 52812

Upon the request of the Auditor of State, and subject to 52813  
 approval from the Controlling Board, effective July 1, 2007, or as 52814  
 soon thereafter as possible, the Director of Budget and Management 52815  
 shall transfer the appropriation balance in GRF appropriation item 52816  
 070-406, Uniform Accounting Network/Technology Improvements Fund, 52817  
 to GRF appropriation item 070-321, Operating Expenses. The 52818  
 Director shall cancel any existing encumbrances against GRF 52819  
 appropriation item 070-406, Uniform Accounting Network/Technology 52820  
 Improvement Fund, and re-establish them against GRF appropriation 52821  
 item 070-321, Operating Expenses. The amounts of the 52822  
 re-established encumbrances are hereby appropriated. 52823

**Section 231.10. BRB BOARD OF BARBER EXAMINERS** 52824

General Services Fund Group				52825	
4K9 877-609 Operating Expenses	\$	608,045	\$	628,264	52826
TOTAL GSF General Services Fund					52827
Group	\$	608,045	\$	628,264	52828
TOTAL ALL BUDGET FUND GROUPS	\$	608,045	\$	628,264	52829

**Section 233.10. OBM OFFICE OF BUDGET AND MANAGEMENT** 52831

General Revenue Fund				52832	
GRF 042-321 Budget Development and	\$	2,026,011	\$	2,128,284	52833
Implementation					
GRF 042-410 National Association	\$	28,700	\$	29,561	52834
Dues					
GRF 042-412 Audit of Auditor of	\$	60,460	\$	60,460	52835

State					
GRF 042-413	Payment Issuance	\$	1,191,802	\$	1,150,192 52836
GRF 042-416	Medicaid Agency	\$	0	\$	1,500,000 52837
Transition					
TOTAL GRF	General Revenue Fund	\$	3,306,973	\$	4,868,497 52838
General Services Fund Group					52839
105 042-603	State Accounting and	\$	12,115,134	\$	12,742,551 52840
Budgeting					
TOTAL GSF	General Services Fund	\$	12,115,134	\$	12,742,551 52841
Group					
Federal Special Revenue Fund Group					52842
3CM 042-606	Medicaid Agency	\$	0	\$	1,500,000 52843
Transition					
TOTAL FED	Federal Special Revenue	\$	0	\$	1,500,000 52844
Fund Group					
State Special Revenue Fund Group					52845
5N4 042-602	OAKS Project	\$	2,200,725	\$	2,132,168 52846
Implementation					
TOTAL SSR	State Special Revenue	\$	2,200,725	\$	2,132,168 52847
Fund Group					
Agency Fund Group					52848
5EH 042-604	Forgery Recovery	\$	35,000	\$	35,000 52849
TOTAL AGY	Agency Fund Group	\$	35,000	\$	35,000 52850
TOTAL ALL BUDGET FUND GROUPS		\$	17,657,832	\$	21,278,216 52851
AUDIT COSTS					52852
Of the foregoing appropriation item 042-603, State Accounting					52853
and Budgeting, not more than \$435,000 in fiscal year 2008 and					52854
\$445,000 in fiscal year 2009 shall be used to pay for centralized					52855
audit costs associated with either Single Audit Schedules or					52856
financial statements prepared in conformance with generally					52857
accepted accounting principles for the state.					52858

**Section 233.20.** OAKS SUPPORT ORGANIZATION 52859

The OAKS Support Organization shall operate and maintain the 52860  
 financial management module of the state's enterprise resource 52861  
 planning system to support the activities of the Office of Budget 52862  
 and Management. The OAKS Support Organization shall recover the 52863  
 costs to establish and maintain the enterprise resource planning 52864  
 system through billings to the Office of Budget and Management. 52865

Effective July 1, 2007, the Office of Budget Management shall 52866  
 include the recovery of costs to administer the financial module 52867  
 of the OAKS System in the accounting and budgeting services 52868  
 payroll rate. These revenues shall be deposited to the credit of 52869  
 the Accounting and Budgeting Services Fund (Fund 105). Amounts 52870  
 deposited under this section are hereby appropriated to 52871  
 appropriation item 042-603, State Accounting and Budgeting. Not 52872  
 less than quarterly, the Office of Budget and Management shall 52873  
 process the intrastate transfer voucher billings to transfer the 52874  
 Accounting and Budgeting Services Fund (Fund 105) to the OAKS 52875  
 Support Organization Fund (Fund 5EB), to pay for the OAKS Support 52876  
 Organization Costs. 52877

TRANSFER BALANCE OF CONTINUOUS RECEIPTS FUND 52878

On or before July 31, 2007, the unencumbered cash balance in 52879  
 the Continuous Receipts Fund (Fund R06) shall be transferred to 52880  
 the Forgery Recovery Fund (Fund 5EH). 52881

**Section 235.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 52882

General Revenue Fund 52883

GRF 874-100 Personal Services	\$	1,957,000	\$	1,957,000	52884
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GRF 874-320 Maintenance and	\$	985,837	\$	980,837	52885
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Equipment

TOTAL GRF General Revenue Fund	\$	2,942,837	\$	2,937,837	52886
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General Services Fund Group 52887

4G5 874-603	Capitol Square	\$	15,000	\$	15,000	52888
	Education Center and					
	Arts					
4S7 874-602	Statehouse Gift	\$	650,484	\$	650,484	52889
	Shop/Events					
TOTAL GSF General Services						52890
Fund Group		\$	665,484	\$	665,484	52891
Underground Parking Garage						52892
208 874-601	Underground Parking	\$	2,706,993	\$	2,706,993	52893
	Garage Operations					
TOTAL UPG Underground Parking						52894
Garage		\$	2,706,993	\$	2,706,993	52895
TOTAL ALL BUDGET FUND GROUPS		\$	6,315,314	\$	6,310,314	52896
<b>Section 237.10. SCR STATE BOARD OF CAREER COLLEGES AND</b>						52898
SCHOOLS						52899
General Services Fund Group						52900
4K9 233-601	Operating Expenses	\$	552,300	\$	572,700	52901
TOTAL GSF General Services Fund		\$	552,300	\$	572,700	52902
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	552,300	\$	572,700	52903
<b>Section 239.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD</b>						52905
General Services Fund Group						52906
4K9 930-609	Operating Expenses	\$	530,864	\$	551,146	52907
TOTAL GSF General Services Fund		\$	530,864	\$	551,146	52908
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	530,864	\$	551,146	52909
<b>Section 241.10. CHR STATE CHIROPRACTIC BOARD</b>						52911
General Services Fund Group						52912
4K9 878-609	Operating Expenses	\$	607,445	\$	621,621	52913

TOTAL GSF General Services Fund	\$	607,445	\$	621,621	52914
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	607,445	\$	621,621	52915
<b>Section 243.10. CIV OHIO CIVIL RIGHTS COMMISSION</b>					52917
General Revenue Fund					52918
GRF 876-321 Operating Expenses	\$	7,097,134	\$	7,097,134	52919
TOTAL GRF General Revenue Fund	\$	7,097,134	\$	7,097,134	52920
Federal Special Revenue Fund Group					52921
334 876-601 Investigations	\$	3,965,507	\$	4,602,185	52922
TOTAL FED Federal Special Revenue					52923
Fund Group	\$	3,965,507	\$	4,602,185	52924
State Special Revenue Fund Group					52925
217 876-604 Operations Support	\$	60,000	\$	60,000	52926
TOTAL SSR State Special					52927
Revenue Fund Group	\$	60,000	\$	60,000	52928
TOTAL ALL BUDGET FUND GROUPS	\$	11,122,641	\$	11,759,319	52929
<b>Section 245.10. COM DEPARTMENT OF COMMERCE</b>					52931
General Revenue Fund					52932
GRF 800-410 Labor and Worker	\$	2,032,396	\$	2,032,396	52933
Safety					
Total GRF General Revenue Fund	\$	2,032,396	\$	2,032,396	52934
General Services Fund Group					52935
163 800-620 Division of	\$	4,323,037	\$	4,413,037	52936
Administration					
163 800-637 Information Technology	\$	6,650,150	\$	6,780,963	52937
5F1 800-635 Small Government Fire	\$	300,000	\$	300,000	52938
Departments					
543 800-602 Unclaimed	\$	7,880,468	\$	8,049,937	52939
Funds-Operating					
543 800-625 Unclaimed Funds-Claims	\$	70,000,000	\$	75,000,000	52940

TOTAL GSF General Services Fund				52941	
Group	\$	89,153,655	\$	94,543,937	52942
Federal Special Revenue Fund Group				52943	
348 800-622 Underground Storage Tanks	\$	195,008	\$	195,008	52944
348 800-624 Leaking Underground Storage Tanks	\$	1,850,000	\$	1,850,000	52945
TOTAL FED Federal Special Revenue Fund Group	\$	2,045,008	\$	2,045,008	52946
State Special Revenue Fund Group				52948	
4B2 800-631 Real Estate Appraisal Recovery	\$	35,000	\$	35,000	52949
4H9 800-608 Cemeteries	\$	273,465	\$	273,465	52950
4X2 800-619 Financial Institutions	\$	2,474,414	\$	2,523,918	52951
5K7 800-621 Penalty Enforcement	\$	50,000	\$	50,000	52952
544 800-612 Banks	\$	6,516,507	\$	6,703,253	52953
545 800-613 Savings Institutions	\$	2,244,370	\$	2,286,616	52954
546 800-610 Fire Marshal	\$	13,104,393	\$	13,579,150	52955
546 800-639 Fire Department Grants	\$	1,647,140	\$	1,647,140	52956
546 800-640 Homeland Security Grants	\$	10,000	\$	10,000	52957
547 800-603 Real Estate Education/Research	\$	250,000	\$	250,000	52958
548 800-611 Real Estate Recovery	\$	50,000	\$	50,000	52959
549 800-614 Real Estate	\$	3,480,038	\$	3,574,171	52960
550 800-617 Securities	\$	4,312,453	\$	4,473,094	52961
552 800-604 Credit Union	\$	3,521,037	\$	3,627,390	52962
553 800-607 Consumer Finance	\$	5,800,445	\$	5,800,445	52963
556 800-615 Industrial Compliance	\$	25,033,908	\$	25,570,011	52964
6A4 800-630 Real Estate Appraiser-Operating	\$	664,006	\$	664,006	52965
653 800-629 UST Registration/Permit	\$	1,512,512	\$	1,467,160	52966

Fee			
TOTAL SSR State Special Revenue			52967
Fund Group	\$ 70,979,688	\$ 72,584,819	52968
Liquor Control Fund Group			52969
043 800-601 Merchandising	\$ 440,499,979	\$ 464,027,015	52970
043 800-627 Liquor Control	\$ 15,980,724	\$ 16,334,583	52971
Operating			
043 800-633 Development Assistance	\$ 33,678,800	\$ 38,616,800	52972
Debt Service			
043 800-636 Revitalization Debt	\$ 12,620,900	\$ 15,683,300	52973
Service			
TOTAL LCF Liquor Control			52974
Fund Group	\$ 502,780,403	\$ 534,661,698	52975
TOTAL ALL BUDGET FUND GROUPS	\$ 666,991,150	\$ 705,867,858	52976
SMALL GOVERNMENT FIRE DEPARTMENTS			
			52977
Notwithstanding section 3737.17 of the Revised Code, the			52978
foregoing appropriation item 800-635, Small Government Fire			52979
Departments, may be used to provide loans to private fire			52980
departments.			52981
UNCLAIMED FUNDS PAYMENTS			
			52982
The foregoing appropriation item 800-625, Unclaimed			52983
Funds-Claims, shall be used to pay claims under section 169.08 of			52984
the Revised Code. If it is determined that additional amounts are			52985
necessary, the amounts are hereby appropriated.			52986
UNCLAIMED FUNDS TRANSFERS			
			52987
Notwithstanding division (A) of section 169.05 of the Revised			52988
Code, prior to June 30, 2008, and upon the request of the Director			52989
of Budget and Management, the Director of Commerce shall transfer			52990
to the General Revenue Fund up to \$29,275,000 of unclaimed funds			52991
that have been reported by holders of unclaimed funds under			52992
section 169.05 of the Revised Code, irrespective of the allocation			52993

of the unclaimed funds under that section. 52994

Notwithstanding division (A) of section 169.05 of the Revised Code, prior to June 30, 2009, and upon the request of the Director of Budget and Management, the Director of Commerce shall transfer to the General Revenue Fund up to \$29,275,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section. 52995  
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CASH TRANSFER TO GENERAL REVENUE FUND 53002

Notwithstanding any other law to the contrary, the Director of Budget and Management shall transfer up to \$5,700,000 in cash in fiscal year 2008 and up to \$5,800,000 in cash in fiscal year 2009 from the State Fire Marshal Fund (Fund 546) to the General Revenue Fund. 53003  
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FIRE DEPARTMENT GRANTS 53008

Of the foregoing appropriation item 800-639, Fire Department Grants, up to \$760,000 in each fiscal year shall be used to make annual grants to volunteer fire departments of up to \$10,000, or up to \$25,000 if the volunteer fire department provides service for an area affected by a natural disaster. The grant program shall be administered by the Fire Marshal under the Department of Commerce. The Fire Marshal shall adopt rules as are necessary for the administration and operation of the grant program. 53009  
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Of the foregoing appropriation item 800-639, Fire Department Grants, up to \$687,140 in each fiscal year shall be used as full or partial reimbursement to local units of government and fire departments for the cost of firefighter training and equipment or gear. Under rules that the department shall adopt, a local unit of government or fire department may apply to the department for a grant to cover all documented costs that are incurred to provide firefighter training and equipment or gear. The department shall 53017  
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make grants within the limits of the funding provided, with 53025  
priority given to fire departments that serve small villages and 53026  
townships. 53027

Of the foregoing appropriation item 800-639, Fire Department 53028  
Grants, up to \$200,000 in each fiscal year shall be used to make 53029  
grants to fire departments to assist in the conversion of existing 53030  
data systems to the NFIRS 5 electronic fire reporting system. 53031  
Under rules that the department shall adopt, awards shall have a 53032  
maximum of \$50,000 per fire department and shall be based on a 53033  
point system that includes factors such as consideration of the 53034  
fire department's information technology and operating budgets, 53035  
population and area served, number of incidents, data conversion 53036  
and implementation methods, and readiness. 53037

CASH TRANSFER TO REAL ESTATE OPERATING FUND 53038

At the request of the Director of Commerce, the Director of 53039  
Budget and Management may transfer up to \$100,000 in cash from the 53040  
Real Estate Recovery Fund (Fund 548) and up to \$350,000 in cash 53041  
from the Real Estate Appraiser Recovery Fund (Fund 4B2) to the 53042  
Real Estate Operating Fund (Fund 549) during fiscal years 53043  
2008-2009. 53044

INCREASED APPROPRIATION AUTHORITY - MERCHANDISING 53045

The foregoing appropriation item 800-601, Merchandising, 53046  
shall be used under section 4301.12 of the Revised Code. If it is 53047  
determined that additional amounts are necessary, the amounts are 53048  
hereby appropriated. 53049

DEVELOPMENT ASSISTANCE DEBT SERVICE 53050

The foregoing appropriation item 800-633, Development 53051  
Assistance Debt Service, shall be used to pay debt service and 53052  
related financing costs at the times they are required to be made 53053  
during the period from July 1, 2007, to June 30, 2009, for bond 53054  
service charges on obligations issued under Chapter 166. of the 53055

Revised Code. If it is determined that additional appropriations 53056  
are necessary for this purpose, such amounts are hereby 53057  
appropriated, subject to the limitations set forth in section 53058  
166.11 of the Revised Code. An appropriation for this purpose is 53059  
not required, but is made in this form and in this act for record 53060  
purposes only. 53061

REVITALIZATION DEBT SERVICE 53062

The foregoing appropriation item 800-636, Revitalization Debt 53063  
Service, shall be used to pay debt service and related financing 53064  
costs under sections 151.01 and 151.40 of the Revised Code during 53065  
the period from July 1, 2007, to June 30, 2009. If it is 53066  
determined that additional appropriations are necessary for this 53067  
purpose, such amounts are hereby appropriated. The General 53068  
Assembly acknowledges the priority of the pledge of a portion of 53069  
receipts from that source to obligations issued and to be issued 53070  
under Chapter 166. of the Revised Code. 53071

ADMINISTRATIVE ASSESSMENTS 53072

Notwithstanding any other provision of law to the contrary, 53073  
Fund 163, Division of Administration, is entitled to receive 53074  
assessments from all operating funds of the department in 53075  
accordance with procedures prescribed by the Director of Commerce 53076  
and approved by the Director of Budget and Management. 53077

**Section 247.10.** OCC OFFICE OF CONSUMERS' COUNSEL 53078

General Services Fund Group 53079

5F5 053-601 Operating Expenses \$ 8,498,070 \$ 8,498,070 53080

TOTAL GSF General Services Fund \$ 8,498,070 \$ 8,498,070 53081

Group

TOTAL ALL BUDGET FUND GROUPS \$ 8,498,070 \$ 8,498,070 53082

**Section 249.10.** CEB CONTROLLING BOARD 53084

General Revenue Fund				53085
GRF 911-404 Mandate Assistance	\$	650,000	\$ 650,000	53086
GRF 911-441 Ballot Advertising	\$	300,000	\$ 300,000	53087
Costs				
TOTAL GRF General Revenue Fund	\$	950,000	\$ 950,000	53088
TOTAL ALL BUDGET FUND GROUPS	\$	950,000	\$ 950,000	53089
BUDGET STABILIZATION FUND TRANSFERS TO THE EMERGENCY				53090
PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM				53091
Notwithstanding any other provision of law to the contrary,				53092
the Director of Budget and Management may, with Controlling Board				53093
approval, transfer up to \$4,000,000 in cash, in each of fiscal				53094
years 2008 and 2009, from the Budget Stabilization Fund to the				53095
General Revenue Fund. Upon completion of the transfer, the				53096
Director of Budget and Management shall appropriate the				53097
transferred amount to appropriation item 911-401, Emergency				53098
Purposes/Contingencies. The Controlling Board may, at the request				53099
of any state agency or the Director of Budget and Management,				53100
transfer all or part of the appropriation in appropriation item				53101
911-401, Emergency Purposes/Contingencies, for the purpose of				53102
providing disaster and emergency situation aid to state agencies				53103
and political subdivisions in the event of disasters and emergency				53104
situations or for the other purposes noted in this section,				53105
including, but not limited to, costs related to the disturbance				53106
that occurred on April 11, 1993, at the Southern Ohio Correctional				53107
Facility in Lucasville, Ohio.				53108
FEDERAL SHARE				53109
In transferring appropriations to or from appropriation items				53110
that have federal shares identified in this act, the Controlling				53111
Board shall add or subtract corresponding amounts of federal				53112
matching funds at the percentages indicated by the state and				53113
federal division of the appropriations in this act. Such changes				53114
are hereby appropriated.				53115

DISASTER ASSISTANCE 53116

Pursuant to requests submitted by the Department of Public 53117  
Safety, the Controlling Board may approve transfers from 53118  
appropriation item 911-401, Emergency Purposes/Contingencies, to 53119  
Department of Public Safety appropriation items to provide funding 53120  
for assistance to political subdivisions and individuals made 53121  
necessary by natural disasters or emergencies. Such transfers may 53122  
be requested and approved prior to or following the occurrence of 53123  
any specific natural disasters or emergencies in order to 53124  
facilitate the provision of timely assistance. 53125

DISASTER SERVICES 53126

Pursuant to requests submitted by the Department of Public 53127  
Safety, the Controlling Board may approve transfers from the 53128  
Disaster Services Fund (5E2) to a Department of Public Safety fund 53129  
and appropriation item to provide for assistance to political 53130  
subdivisions made necessary by natural disasters or emergencies. 53131  
These transfers may be requested and approved prior to the 53132  
occurrence of any specific natural disasters or emergencies in 53133  
order to facilitate the provision of timely assistance. The 53134  
Emergency Management Agency of the Department of Public Safety 53135  
shall use the funding to fund the State Disaster Relief Program 53136  
for disasters that have been declared by the Governor, and the 53137  
State Individual Assistance Program for disasters that have been 53138  
declared by the Governor and the federal Small Business 53139  
Administration. The Ohio Emergency Management Agency shall publish 53140  
and make available application packets outlining procedures for 53141  
the State Disaster Relief Program and the State Individual 53142  
Assistance Program. 53143

The Disaster Services Fund (5E2) shall be used by the 53144  
Controlling Board, pursuant to requests submitted by state 53145  
agencies, to transfer cash and appropriation authority to any fund 53146  
and appropriation item for the payment of state agency disaster 53147

relief program expenses for disasters declared by the Governor, if 53148  
the Director of Budget and Management determines that sufficient 53149  
funds exist. 53150

The unencumbered balance of the Disaster Services Fund (5E2) 53151  
at the end of fiscal year 2008 is transferred to fiscal year 2009 53152  
for use for the same purposes as in fiscal year 2009. 53153

SOUTHERN OHIO CORRECTIONAL FACILITY COST 53154

The Division of Criminal Justice Services in the Department 53155  
of Public Safety and the Public Defender Commission may each 53156  
request, upon approval of the Director of Budget and Management, 53157  
additional funds from appropriation item 911-401, Emergency 53158  
Purposes/Contingencies, for costs related to the disturbance that 53159  
occurred on April 11, 1993, at the Southern Ohio Correctional 53160  
Facility in Lucasville, Ohio. 53161

MANDATE ASSISTANCE 53162

(A) The foregoing appropriation item 911-404, Mandate 53163  
Assistance, shall be used to provide financial assistance to local 53164  
units of government and school districts for the cost of the 53165  
following two unfunded state mandates: 53166

(1) The cost to county prosecutors for prosecuting certain 53167  
felonies that occur on the grounds of state institutions operated 53168  
by the Department of Rehabilitation and Correction and the 53169  
Department of Youth Services; 53170

(2) The cost to school districts of in-service training for 53171  
child abuse detection. 53172

(B) The Division of Criminal Justice Services in the 53173  
Department of Public Safety and the Department of Education may 53174  
prepare and submit to the Controlling Board one or more requests 53175  
to transfer appropriations from appropriation item 911-404, 53176  
Mandate Assistance. The state agencies charged with this 53177

administrative responsibility are listed below, as well as the 53178  
 estimated annual amounts that may be used for each program of 53179  
 state financial assistance. 53180

	ADMINISTERING	ESTIMATED ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Division of Criminal Justice Services	\$150,000	53183
Child Abuse Detection	Department of	\$500,000	53185
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal 53186  
 year for appropriation item 911-404, Mandate Assistance, the 53187  
 Division of Criminal Justice Services in the Department of Public 53188  
 Safety and the Department of Education may request from the 53189  
 Controlling Board that amounts smaller or larger than these 53190  
 estimated annual amounts be transferred to each program. 53191

(D) In addition to making the initial transfers requested by 53192  
 the Division of Criminal Justice Services in the Department of 53193  
 Public Safety and the Department of Education, the Controlling 53194  
 Board may transfer appropriations received by a state agency under 53195  
 this section back to appropriation item 911-404, Mandate 53196  
 Assistance, or to the other program of state financial assistance 53197  
 identified under this section. 53198

(E) It is expected that not all costs incurred by local units 53199  
 of government and school districts under each of the two programs 53200  
 of state financial assistance identified in this section will be 53201  
 fully reimbursed by the state. Reimbursement levels may vary by 53202  
 program and shall be based on: the relationship between the 53203  
 appropriation transfers requested by the Division of Criminal 53204  
 Justice Services in the Department of Public Safety and the 53205  
 Department of Education and provided by the Controlling Board for 53206  
 each of the programs; the rules and procedures established for 53207  
 each program by the administering state agency; and the actual 53208

costs incurred by local units of government and school districts. 53209

(F) Each of these programs of state financial assistance 53210  
shall be carried out as follows: 53211

(1) PROSECUTION COSTS 53212

(a) Appropriations may be transferred to the Division of 53213  
Criminal Justice Services in the Department of Public Safety to 53214  
cover local prosecution costs for aggravated murder, murder, 53215  
felonies of the first degree, and felonies of the second degree 53216  
that occur on the grounds of institutions operated by the 53217  
Department of Rehabilitation and Correction and the Department of 53218  
Youth Services. 53219

(b) Upon a delinquency filing in juvenile court or the return 53220  
of an indictment for aggravated murder, murder, or any felony of 53221  
the first or second degree that was committed at a Department of 53222  
Youth Services or a Department of Rehabilitation and Correction 53223  
institution, the affected county may, in accordance with rules 53224  
that the Division of Criminal Justice Services in the Department 53225  
of Public Safety shall adopt, apply to the Division of Criminal 53226  
Justice Services for a grant to cover all documented costs that 53227  
are incurred by the county prosecutor's office. 53228

(c) Twice each year, the Division of Criminal Justice 53229  
Services in the Department of Public Safety shall designate 53230  
counties to receive grants from those counties that have submitted 53231  
one or more applications in compliance with the rules that have 53232  
been adopted by the Division of Criminal Justice Services for the 53233  
receipt of such grants. In each year's first round of grant 53234  
awards, if sufficient appropriations have been made, up to a total 53235  
of \$100,000 may be awarded. In each year's second round of grant 53236  
awards, the remaining appropriations available for this purpose 53237  
may be awarded. 53238

(d) If for a given round of grants there are insufficient 53239

appropriations to make grant awards to all the eligible counties, 53240  
the first priority shall be given to counties with cases involving 53241  
aggravated murder and murder; second priority shall be given to 53242  
counties with cases involving a felony of the first degree; and 53243  
third priority shall be given to counties with cases involving a 53244  
felony of the second degree. Within these priorities, the grant 53245  
awards shall be based on the order in which the applications were 53246  
received, except that applications for cases involving a felony of 53247  
the first or second degree shall not be considered in more than 53248  
two consecutive rounds of grant awards. 53249

(2) CHILD ABUSE DETECTION TRAINING COSTS 53250

Appropriations may be transferred to the Department of 53251  
Education for disbursement to local school districts as full or 53252  
partial reimbursement for the cost of providing in-service 53253  
training for child abuse detection. In accordance with rules that 53254  
the department shall adopt, a local school district may apply to 53255  
the department for a grant to cover all documented costs that are 53256  
incurred to provide in-service training for child abuse detection. 53257  
The department shall make grants within the limits of the funding 53258  
provided. 53259

(G) Any moneys allocated within appropriation item 911-404, 53260  
Mandate Assistance, not fully utilized may, upon application of 53261  
the Ohio Public Defender Commission, and with the approval of the 53262  
Controlling Board, be disbursed to boards of county commissioners 53263  
to provide additional reimbursement for the costs incurred by 53264  
counties in providing defense to indigent defendants pursuant to 53265  
Chapter 120. of the Revised Code. Application for the unutilized 53266  
funds shall be made by the Ohio Public Defender Commission at the 53267  
first June meeting of the Controlling Board. 53268

The amount to be disbursed to each county shall be allocated 53269  
proportionately on the basis of the total amount of reimbursement 53270  
paid to each county as a percentage of the amount of reimbursement 53271

paid to all of the counties during the most recent state fiscal				53272
year for which data is available and as calculated by the Ohio				53273
Public Defender Commission.				53274
BALLOT ADVERTISING COSTS				53275
Pursuant to requests submitted by the Ohio Ballot Board, the				53276
Controlling Board shall approve transfers from the foregoing				53277
appropriation item 911-441, Ballot Advertising Costs, to an Ohio				53278
Ballot Board appropriation item in order to reimburse county				53279
boards of elections for the cost of public notices associated with				53280
statewide ballot initiatives.				53281
<b>Section 251.10.</b> COS STATE BOARD OF COSMETOLOGY				53282
General Services Fund Group				53283
4K9 879-609 Operating Expenses	\$	3,533,679	\$ 3,533,679	53284
TOTAL GSF General Services Fund				53285
Group	\$	3,533,679	\$ 3,533,679	53286
TOTAL ALL BUDGET FUND GROUPS	\$	3,533,679	\$ 3,533,679	53287
<b>Section 253.10.</b> CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE				53289
AND FAMILY THERAPIST BOARD				53290
General Services Fund Group				53291
4K9 899-609 Operating Expenses	\$	1,124,267	\$ 1,179,774	53292
TOTAL GSF General Services Fund				53293
Group	\$	1,124,267	\$ 1,179,774	53294
TOTAL ALL BUDGET FUND GROUPS	\$	1,124,267	\$ 1,179,774	53295
<b>Section 255.10.</b> CLA COURT OF CLAIMS				53297
General Revenue Fund				53298
GRF 015-321 Operating Expenses	\$	2,758,681	\$ 2,841,441	53299
TOTAL GRF General Revenue Fund	\$	2,758,681	\$ 2,841,441	53300
State Special Revenue Fund Group				53301

5K2 015-603 CLA Victims of Crime	\$	1,582,684	\$	1,582,684	53302
TOTAL SSR State Special Revenue					53303
Fund Group	\$	1,582,684	\$	1,582,684	53304
TOTAL ALL BUDGET FUND GROUPS	\$	4,341,365	\$	4,424,125	53305

**Section 257.10. AFC OHIO CULTURAL FACILITIES COMMISSION** 53307

General Revenue Fund					53308
GRF 371-321 Operating Expenses	\$	176,136	\$	176,136	53309
GRF 371-401 Lease Rental Payments	\$	36,604,600	\$	37,455,500	53310
TOTAL GRF General Revenue Fund	\$	36,780,736	\$	37,631,636	53311
State Special Revenue Fund Group					53312
4T8 371-601 Riffe Theatre	\$	81,000	\$	81,000	53313
Equipment Maintenance					
4T8 371-603 Project Administration	\$	983,295	\$	983,295	53314
Services					
TOTAL SSR State Special Revenue	\$	1,064,295	\$	1,064,295	53315
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	37,845,031	\$	38,695,931	53316

**LEASE RENTAL PAYMENTS** 53317

The foregoing appropriation item 371-401, Lease Rental 53318  
 Payments, shall be used to meet all payments from the Ohio 53319  
 Cultural Facilities Commissions to the Treasurer of State during 53320  
 the period from July 1, 2007, to June 30, 2009, under the primary 53321  
 leases and agreements for those arts and sports facilities made 53322  
 under Chapters 152. and 154. of the Revised Code. This 53323  
 appropriation is the source of funds pledged for bond service 53324  
 charges on related obligations issued pursuant to Chapters 152. 53325  
 and 154. of the Revised Code. 53326

**OPERATING EXPENSES** 53327

The foregoing appropriation item 371-321, Operating Expenses, 53328  
 shall be used by the Ohio Cultural Facilities Commission to carry 53329

out its responsibilities under this section and Chapter 3383. of 53330  
the Revised Code. 53331

By July 10, 2007, or as soon as possible thereafter, the 53332  
Director of Budget and Management shall determine the amount of 53333  
cash from interest earnings to be transferred from the Cultural 53334  
and Sports Facilities Building Fund (Fund 030) to the Cultural 53335  
Facilities Commission Administration Fund (Fund 4T8). 53336

By July 10, 2008, or as soon as possible thereafter, the 53337  
Director of Budget and Management shall determine the amount of 53338  
cash from interest earnings to be transferred from the Cultural 53339  
and Sports Facilities Building Fund (Fund 030) to the Cultural 53340  
Facilities Commission Administration Fund (Fund 4T8). 53341

As soon as possible after each bond issuance made on behalf 53342  
of the Cultural Facilities Commission, the Director of Budget and 53343  
Management shall determine the amount of cash from any premium 53344  
paid on each issuance that is available to be transferred after 53345  
all issuance costs have been paid from the Cultural and Sports 53346  
Facilities Building Fund (Fund 030) to the Cultural Facilities 53347  
Commission Administration Fund (Fund 4T8). 53348

**Section 259.10. DEN STATE DENTAL BOARD** 53349

General Services Fund Group				53350
4K9 880-609 Operating Expenses	\$	1,437,392	\$ 1,528,749	53351
TOTAL GSF General Services Fund				53352
Group	\$	1,437,392	\$ 1,528,749	53353
TOTAL ALL BUDGET FUND GROUPS	\$	1,437,392	\$ 1,528,749	53354

**Section 261.10. BDP BOARD OF DEPOSIT** 53356

General Services Fund Group				53357
4M2 974-601 Board of Deposit	\$	1,676,000	\$ 1,676,000	53358
TOTAL GSF General Services Fund				53359

Group	\$	1,676,000	\$	1,676,000	53360
TOTAL ALL BUDGET FUND GROUPS	\$	1,676,000	\$	1,676,000	53361
BOARD OF DEPOSIT EXPENSE FUND					53362
Upon receiving certification of expenses from the Treasurer					53363
of State, the Director of Budget and Management shall transfer					53364
cash from the Investment Earnings Redistribution Fund (Fund 608)					53365
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund					53366
shall be used to pay for banking charges and fees required for the					53367
operation of the State of Ohio Regular Account.					53368
 <b>Section 263.10. DEV DEPARTMENT OF DEVELOPMENT</b>					53369
General Revenue Fund					53370
GRF 195-401 Thomas Edison Program	\$	19,404,838	\$	17,978,483	53371
GRF 195-404 Small Business	\$	1,740,722	\$	1,792,944	53372
Development					
GRF 195-405 Minority Business	\$	1,580,291	\$	1,627,700	53373
Development Division					
GRF 195-407 Travel and Tourism	\$	6,782,845	\$	6,762,845	53374
GRF 195-410 Defense Conversion	\$	5,000,000	\$	0	53375
Assistance					
GRF 195-412 Rapid Outreach Grants	\$	10,750,000	\$	10,000,000	53376
GRF 195-415 Economic Development	\$	5,894,975	\$	6,071,824	53377
Division and Regional					
Offices					
GRF 195-416 Governor's Office of	\$	4,746,043	\$	4,746,043	53378
Appalachia					
GRF 195-422 Third Frontier Action	\$	18,790,000	\$	16,790,000	53379
Fund					
GRF 195-426 Clean Ohio	\$	300,000	\$	309,000	53380
Implementation					
GRF 195-432 International Trade	\$	4,650,501	\$	4,650,501	53381
GRF 195-434 Investment in Training	\$	12,227,500	\$	12,594,325	53382

		Grants				
GRF	195-436	Labor/Management Cooperation	\$	836,225	\$	836,225 53383
GRF	195-497	CDBG Operating Match	\$	1,072,184	\$	1,072,184 53384
GRF	195-498	State Match Energy	\$	96,820	\$	96,820 53385
GRF	195-501	Appalachian Local Development Districts	\$	391,482	\$	391,482 53386
GRF	195-502	Appalachian Regional Commission Dues	\$	254,208	\$	254,208 53387
GRF	195-507	Travel and Tourism	\$	800,000	\$	785,000 53388
		Grants				
GRF	195-520	Ohio Main Street Program	\$	250,000	\$	250,000 53389
GRF	195-905	Third Frontier Research & Development General Obligation Debt Service	\$	14,349,500	\$	24,523,400 53390
GRF	195-912	Job Ready Site Development General Obligation Debt Service	\$	4,359,400	\$	8,232,500 53391
TOTAL	GRF	General Revenue Fund	\$	114,277,534	\$	119,765,484 53392
		General Services Fund Group				53393
135	195-684	Supportive Services	\$	11,699,404	\$	11,321,444 53394
5AD	195-667	Investment in Training Expansion	\$	2,000,000	\$	0 53395
5AD	195-668	Workforce Guarantee Program	\$	1,000,000	\$	0 53396
5AD	195-677	Economic Development Contingency	\$	5,000,000	\$	24,400,000 53397
5W5	195-690	Travel and Tourism Cooperative Projects	\$	350,000	\$	350,000 53398
5W6	195-691	International Trade	\$	300,000	\$	300,000 53399

		Cooperative Projects				
685	195-636	Direct Cost Recovery	\$	800,000	\$	800,000 53400
		Expenditures				
		TOTAL GSF General Services Fund				53401
		Group	\$	21,149,404	\$	37,171,444 53402
		Federal Special Revenue Fund Group				53403
3AE	195-643	Workforce Development	\$	5,839,900	\$	5,860,000 53404
		Initiatives				
3BJ	195-685	TANF Heating	\$	45,000,000	\$	15,000,000 53405
		Assistance				
3K8	195-613	Community Development	\$	65,000,000	\$	65,000,000 53406
		Block Grant				
3K9	195-611	Home Energy Assistance	\$	110,000,000	\$	110,000,000 53407
		Block Grant				
3K9	195-614	HEAP Weatherization	\$	22,000,000	\$	22,000,000 53408
3L0	195-612	Community Services	\$	25,235,000	\$	25,235,000 53409
		Block Grant				
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000 53410
308	195-602	Appalachian Regional	\$	475,000	\$	475,000 53411
		Commission				
308	195-603	Housing and Urban	\$	6,000,000	\$	6,000,000 53412
		Development				
308	195-605	Federal Projects	\$	27,000,000	\$	27,000,000 53413
308	195-609	Small Business	\$	4,296,381	\$	4,396,381 53414
		Administration				
308	195-618	Energy Federal Grants	\$	3,400,000	\$	3,400,000 53415
335	195-610	Energy Conservation	\$	2,200,000	\$	2,200,000 53416
		and Emerging				
		Technology				
		TOTAL FED Federal Special Revenue				53417
		Fund Group	\$	356,446,281	\$	326,566,381 53418
		State Special Revenue Fund Group				53419

4F2	195-639	State Special Projects	\$	518,393	\$	518,393	53420
4F2	195-676	Marketing Initiatives	\$	5,000,000	\$	1,000,000	53421
4S0	195-630	Tax Incentive Programs	\$	650,800	\$	650,800	53422
4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	53423
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	53424
450	195-624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967	53425
451	195-625	Economic Development Financing Operating	\$	2,483,311	\$	2,483,311	53426
5AR	195-674	Industrial Site Improvements	\$	4,500,000	\$	4,500,000	53427
5CG	195-679	Alternative Fuel Transportation	\$	1,500,000	\$	1,000,000	53428
5DU	195-689	Energy Projects	\$	840,000	\$	840,000	53429
5M4	195-659	Low Income Energy Assistance	\$	245,000,000	\$	245,000,000	53430
5M5	195-660	Advanced Energy Programs	\$	17,000,000	\$	17,000,000	53431
5X1	195-651	Exempt Facility Inspection	\$	25,000	\$	25,000	53432
611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713	53433
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	53434
646	195-638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	53435
TOTAL SSR State Special Revenue							53436
Fund Group			\$	333,891,556	\$	329,391,556	53437
Facilities Establishment Fund Group							53438

009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	53439
010	195-665	Research and Development	\$	50,000,000	\$	50,000,000	53440
037	195-615	Facilities Establishment	\$	110,000,000	\$	110,000,000	53441
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000	53442
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000	53443
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	53444
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	53445
TOTAL 037 Facilities Establishment Fund Group							53446
							\$ 224,475,000 \$ 224,475,000 53447
Clean Ohio Revitalization Fund							53448
003	195-663	Clean Ohio Operating	\$	625,000	\$	550,000	53449
TOTAL 003 Clean Ohio Revitalization Fund							\$ 625,000 \$ 550,000 53450
Third Frontier Research & Development Fund Group							53451
011	195-686	Third Frontier Operating	\$	1,932,056	\$	1,932,056	53452
011	195-687	Third Frontier Research & Development Projects	\$	94,000,000	\$	72,000,000	53453
014	195-692	Research & Development Taxable Bond Projects	\$	28,000,000	\$	28,000,000	53454
TOTAL 011 Third Frontier Research & Development Fund Group							\$ 123,932,056 \$ 101,932,056 53455
Job Ready Site Development Fund Group							53456
012	195-688	Job Ready Site Operating	\$	1,246,155	\$	1,246,155	53457

TOTAL 012 Job Ready Site	\$	1,246,155	\$	1,246,155	53458
Development Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,176,042,986	\$	1,141,098,076	53459

**Section 263.10.10. THOMAS EDISON PROGRAM** 53461

The foregoing appropriation item 195-401, Thomas Edison 53462  
Program, shall be used for the purposes of sections 122.28 to 53463  
122.38 of the Revised Code in order to provide funds for 53464  
cooperative public and private efforts in technological innovation 53465  
to promote the development and transfer of technology by and to 53466  
Ohio businesses that will lead to the creation of jobs. The 53467  
foregoing appropriation item 195-401, Thomas Edison Program, shall 53468  
not be used for the operating costs of the Department of 53469  
Development. 53470

Of the foregoing appropriation item 195-401, Thomas Edison 53471  
Program, \$2,000,000 in fiscal year 2008 shall be used by Project 53472  
Development, Inc., for technology commercialization. 53473

**Section 263.10.20. SMALL BUSINESS DEVELOPMENT** 53474

The foregoing appropriation item 195-404, Small Business 53475  
Development, shall be used to ensure that the unique needs and 53476  
concerns of small businesses are addressed. 53477

The foregoing appropriation item 195-404, Small Business 53478  
Development, may be used to provide grants to local organizations 53479  
to support the operation of Small Business Development Centers and 53480  
other local economic development activity promoting small 53481  
business, including the 1st Stop Business Connection, and for the 53482  
cost of administering the small business development center 53483  
program. The centers shall provide technical, financial, and 53484  
management consultation for small business and shall facilitate 53485  
access to state and federal programs. These funds shall be used as 53486  
matching funds for grants from the United States Small Business 53487

Administration and other federal agencies, pursuant to Public Law 53488  
No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and 53489  
regulations and policy guidelines for the programs under this law. 53490

**MINORITY BUSINESS DEVELOPMENT DIVISION** 53491

Of the foregoing appropriation item 195-405, Minority 53492  
Business Development Division, up to \$1,060,000 but not less than 53493  
\$954,000 in each fiscal year shall be used to fund minority 53494  
contractors and business assistance organizations. The Minority 53495  
Business Development Division shall determine which cities need 53496  
minority contractors and business assistance organizations by 53497  
utilizing United States Census Bureau data and zip codes to locate 53498  
the highest concentrations of minority businesses. The Minority 53499  
Business Development Division also shall determine the numbers of 53500  
minority contractors and business assistance organizations 53501  
necessary and the amount of funding to be provided each. In 53502  
addition, the Minority Business Development Division shall 53503  
continue to plan and implement business conferences. 53504

**Section 263.10.30. RAPID OUTREACH GRANTS** 53505

The foregoing appropriation item 195-412, Rapid Outreach 53506  
Grants, shall be used as an incentive for attracting and retaining 53507  
business opportunities for the state. Any such business 53508  
opportunity, whether new, expanding, or relocating in Ohio, is 53509  
eligible for funding. The project must create or retain a 53510  
significant number of jobs for Ohioans. Grant awards may be 53511  
considered only when (1) the project's viability hinges on an 53512  
award of funds from appropriation item 195-412, Rapid Outreach 53513  
Grants; (2) all other public or private sources of financing have 53514  
been considered; or (3) the funds act as a catalyst for the 53515  
infusion into the project of other financing sources. 53516

The department's primary goal shall be to award funds to 53517  
political subdivisions of the state for off-site infrastructure 53518

improvements. In order to meet the particular needs of economic 53519  
development in a region, the department may elect to award funds 53520  
directly to a business for on-site infrastructure improvements. 53521  
"Infrastructure improvements" mean improvements to water system 53522  
facilities, sewer and sewage treatment facilities, electric or gas 53523  
service facilities, fiber optic facilities, rail facilities, site 53524  
preparation, and parking facilities. The Director of Development 53525  
may recommend the funds be used in an alternative manner when 53526  
considered appropriate to meet an extraordinary economic 53527  
development opportunity or need. 53528

The foregoing appropriation item 195-412, Rapid Outreach 53529  
Grants, may be expended only after the submission of a request to 53530  
the Controlling Board by the Department of Development outlining 53531  
the planned use of the funds, and the subsequent approval of the 53532  
request by the Controlling Board. 53533

The foregoing appropriation item 195-412, Rapid Outreach 53534  
Grants, may be used for, but is not limited to, construction, 53535  
rehabilitation, and acquisition projects for rail freight 53536  
assistance as requested by the Department of Transportation. The 53537  
Director of Transportation shall submit the proposed projects to 53538  
the Director of Development for an evaluation of potential 53539  
economic benefit. 53540

**Section 263.10.40. ECONOMIC DEVELOPMENT DIVISION AND REGIONAL 53541**  
OFFICES 53542

The foregoing appropriation item 195-415, Economic 53543  
Development Division and Regional Offices, shall be used for the 53544  
operating expenses of the Economic Development Division and the 53545  
regional economic development offices and for grants for 53546  
cooperative economic development ventures. 53547

**Section 263.10.50. GOVERNOR'S OFFICE OF APPALACHIA 53548**

The foregoing appropriation item 195-416, Governor's Office of Appalachia, shall be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, and to provide financial assistance to projects in Ohio's Appalachian counties.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, up to \$250,000 each fiscal year shall be used to match federal funds from the Appalachian Regional Commission to provide job training to impact the Appalachian Region.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, up to \$4,246,043 in each fiscal year shall be used in conjunction with other federal and state funds to provide financial assistance to projects in Ohio's Appalachian counties in order to further the goals of the Appalachian Regional Commission. The projects and project sponsors shall meet Appalachian Regional Commission eligibility requirements. Grants shall be administered by the Department of Development.

**Section 263.10.60. THIRD FRONTIER ACTION FUND**

The foregoing appropriation item 195-422, Third Frontier Action Fund, shall be used to make grants under sections 184.01 and 184.02 of the Revised Code. Prior to the release of funds from appropriation item 195-422, Third Frontier Action Fund, each grant award shall be recommended for funding by the Third Frontier Commission and obtain approval from the Controlling Board.

Of the foregoing appropriation item 195-422, Third Frontier Action Fund, not more than six per cent in each fiscal year shall be used for operating expenditures in administering the program.

In addition to the six per cent for operating expenditures, an additional administrative amount, not to exceed \$1,500,000

within the biennium, shall be available for proposal evaluation, 53579  
research and analyses, and marketing efforts considered necessary 53580  
to receive and disseminate information about science and 53581  
technology-related opportunities in the state. 53582

Of the foregoing appropriation item 195-422, Third Frontier 53583  
Action Fund, \$2,000,000 in fiscal year 2008 shall be used by 53584  
Project Development, Inc., for business and job creation resulting 53585  
from Third Frontier investments. 53586

SCIENCE AND TECHNOLOGY COLLABORATION 53587

The Department of Development shall work in close 53588  
collaboration with the Board of Regents, the Air Quality 53589  
Development Authority, and the Third Frontier Commission in 53590  
relation to appropriation items and programs referred to as 53591  
Alignment Programs in the following paragraph, and other 53592  
technology-related appropriations and programs in the Department 53593  
of Development, Air Quality Development Authority, and the Board 53594  
of Regents as these agencies may designate, to ensure 53595  
implementation of a coherent state strategy with respect to 53596  
science and technology. 53597

"Alignment Programs" means appropriation items 195-401, 53598  
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 53599  
Third Frontier Action Fund; 898-604, Coal Research and Development 53600  
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 53601  
Institute of Technology; 235-510, Ohio Supercomputer Center; 53602  
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 53603  
235-535, Ohio Agricultural Research and Development Center; 53604  
235-553, Dayton Area Graduate Studies Institute; 235-554, 53605  
Priorities in Collaborative Graduate Education; 235-556, Ohio 53606  
Academic Resources Network; 195-435, Biomedical Research and 53607  
Technology Transfer Trust; 195-687, Third Frontier Research & 53608  
Development Projects; CAP-068, Third Frontier Project; and 53609  
195-692, Research & Development Taxable Bond Projects. 53610

Consistent with the recommendations of the Governor's 53611  
Commission on Higher Education and the Economy, Alignment Programs 53612  
shall be managed and administered in accordance with the following 53613  
objectives: (1) to build on existing competitive research 53614  
strengths; (2) to encourage new and emerging discoveries and 53615  
commercialization of products and ideas that will benefit the Ohio 53616  
economy; and (3) to assure improved collaboration among Alignment 53617  
Programs with programs administered by the Third Frontier 53618  
Commission and with other state programs that are intended to 53619  
improve economic growth and job creation. As directed by the Third 53620  
Frontier Commission, Alignment Program managers shall report to 53621  
the Commission or the Third Frontier Advisory Board regarding the 53622  
contributions of their programs to achieving these objectives. 53623

Each Alignment Program shall be reviewed annually by the 53624  
Third Frontier Commission with respect to its development of 53625  
complementary relationships within a combined state science and 53626  
technology investment portfolio, and with respect to its overall 53627  
contribution to the state's science and technology strategy, 53628  
including the adoption of appropriately consistent criteria for: 53629  
(1) the scientific merit of activities supported by the program; 53630  
(2) the relevance of the program's activities to commercial 53631  
opportunities in the private sector; (3) the private sector's 53632  
involvement in a process that continually evaluates commercial 53633  
opportunities to use the work supported by the program; and (4) 53634  
the ability of the program and recipients of grant funding from 53635  
the program to engage in activities that are collaborative, 53636  
complementary, and efficient with respect to the expenditures of 53637  
state funds. Each Alignment Program shall provide an annual report 53638  
to the Third Frontier Commission that discusses existing, planned, 53639  
or possible collaborations between programs and between recipients 53640  
of grant funding related to technology, development, 53641  
commercialization, and the support of Ohio's economic development. 53642  
The annual review conducted by the Third Frontier Commission shall 53643

be a comprehensive review of the entire state science and 53644  
technology program portfolio rather than a review of individual 53645  
programs. 53646

Applicants for Third Frontier and Alignment Programs funding 53647  
shall identify their requirements for high-performance computing 53648  
facilities and services, including both hardware and software, in 53649  
all proposals. If an applicant's requirements exceed approximately 53650  
\$100,000 for a proposal, the Ohio Supercomputer Center shall 53651  
convene a panel of experts. The panel shall review the proposal to 53652  
determine whether the proposal's requirements can be met through 53653  
Ohio Supercomputer Center facilities or through other means and 53654  
report such information to the Third Frontier Commission. 53655

To ensure that the state receives the maximum benefit from 53656  
its investment in the Third Frontier Project and the Third 53657  
Frontier Network, organizations receiving Third Frontier awards 53658  
and Alignment Programs awards shall, as appropriate, be expected 53659  
to have a connection to the Third Frontier Network that enables 53660  
them and their collaborators to achieve award objectives through 53661  
the Third Frontier Network. 53662

**Section 263.10.70. INTERNATIONAL TRADE** 53663

The foregoing appropriation item 195-432, International 53664  
Trade, shall be used to operate and to maintain Ohio's 53665  
out-of-state trade offices. 53666

The Director of Development may enter into contracts with 53667  
foreign nationals to staff foreign offices. The contracts may be 53668  
paid in local currency or United States currency and shall be 53669  
exempt from section 127.16 of the Revised Code. The director also 53670  
may establish foreign currency accounts under section 122.05 of 53671  
the Revised Code for the payment of expenses related to the 53672  
operation and maintenance of the foreign trade offices. 53673

The foregoing appropriation item 195-432, International Trade, shall be used to fund the International Trade Division and to assist Ohio manufacturers and agricultural producers in exporting to foreign countries in conjunction with the Department of Agriculture.

Of the foregoing appropriation item 195-432, International Trade, up to \$35,000 may be used to purchase gifts for representatives of foreign governments or dignitaries of foreign countries.

**Section 263.10.80. OHIO INVESTMENT IN TRAINING PROGRAM**

The foregoing appropriation items 195-434, Investment in Training Grants, and 195-667, Investment in Training Expansion, shall be used to promote training through grants for the reimbursement of eligible training expenses. The release of grants for this purpose shall be subject to Controlling Board approval.

**Section 263.10.90. CDBG OPERATING MATCH**

The foregoing appropriation item 195-497, CDBG Operating Match, shall be used to provide matching funds as requested by the United States Department of Housing and Urban Development to administer the federally funded Community Development Block Grant (CDBG) program.

**STATE OPERATING MATCH**

The foregoing appropriation item 195-498, State Match Energy, shall be used to provide matching funds as required by the United States Department of Energy to administer the federally funded State Energy Plan.

**Section 263.10.95. DEFENSE CONVERSION ASSISTANCE**

Of the foregoing appropriation item 195-410, Defense

Conversion Assistance, \$5,000,000 in fiscal year 2008 shall be 53702  
used as a state match to federal dollars for the relocation of 53703  
jobs at Wright-Patterson Air Force Base and vicinity as a result 53704  
of job losses from the base realignment and closure process. 53705

**Section 263.20.10. TRAVEL AND TOURISM GRANTS** 53706

The foregoing appropriation item 195-507, Travel and Tourism 53707  
Grants, shall be used to provide grants to local organizations to 53708  
support various local travel and tourism events in Ohio. 53709

Of the foregoing appropriation item 195-507, Travel and 53710  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53711  
Cleveland Film Bureau. 53712

Of the foregoing appropriation item 195-507, Travel and 53713  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53714  
Cincinnati Film Bureau. 53715

Of the foregoing appropriation item 195-507, Travel and 53716  
Tourism Grants, \$500,000 in each fiscal year shall be used for 53717  
grants to The International Center for the Preservation of Wild 53718  
Animals. 53719

Of the foregoing appropriation item 195-507, Travel and 53720  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53721  
Greater Cleveland Sports Commission. 53722

Of the foregoing appropriation item 195-507, Travel and 53723  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53724  
Greater Columbus Sports Commission. 53725

Of the foregoing appropriation item 195-507, Travel and 53726  
Tourism Grants, \$50,000 in fiscal year 2008 shall be used for the 53727  
Ohio Alliance of Science Centers. 53728

Of the foregoing appropriation item 195-507, Travel and 53729  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53730  
Harbor Heritage Society/Great Lakes Science Center in support of 53731

operations of the Steamship William G. Mather Maritime Museum. 53732

Of the foregoing appropriation item 195-507, Travel and 53733  
Tourism Grants, \$35,000 in fiscal year 2009 shall be used for the 53734  
Ohio Junior Angus Association to assist with costs associated with 53735  
hosting the Eastern Regional Junior Angus Show in June 2009. 53736

**Section 263.20.20. THIRD FRONTIER RESEARCH & DEVELOPMENT 53737**  
GENERAL OBLIGATION DEBT SERVICE 53738

The foregoing appropriation item 195-905, Third Frontier 53739  
Research & Development General Obligation Debt Service, shall be 53740  
used to pay all debt service and related financing costs during 53741  
the period from July 1, 2007, to June 30, 2009, on obligations 53742  
issued for research and development purposes under sections 151.01 53743  
and 151.10 of the Revised Code. 53744

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 53745

The foregoing appropriation item 195-912, Job Ready Site 53746  
Development General Obligation Debt Service, shall be used to pay 53747  
all debt service and related financing costs during the period 53748  
from July 1, 2007, to June 30, 2009, on obligations issued for job 53749  
ready site development purposes under sections 151.01 and 151.11 53750  
of the Revised Code. 53751

**Section 263.20.30. SUPPORTIVE SERVICES 53752**

The Director of Development may assess divisions of the 53753  
department for the cost of central service operations. An 53754  
assessment shall be based on a plan submitted to and approved by 53755  
the Office of Budget and Management by August 1, 2007, and shall 53756  
contain the characteristics of administrative ease and uniform 53757  
application. 53758

A division's payments shall be credited to the Supportive 53759  
Services Fund (Fund 135) using an intrastate transfer voucher. 53760

Of the foregoing appropriation item 195-684, Supportive Services, \$50,000 in fiscal year 2008 and \$35,000 in fiscal year 2009 shall be used for Crawford County to hire an employee to act as a local economic development coordinator.

WORKFORCE GUARANTEE PROGRAM

The foregoing appropriation item 195-668, Workforce Guarantee Program, shall be used for the Workforce Guarantee Program.

Benefited employers must create at least 20 high-paying, full-time jobs over a one-year period and must demonstrate prior to the commitment of state funds that the availability of those skilled workers is a major factor in the employer's decision to locate or expand in Ohio. Customized training activities are eligible for funding through the Workforce Guarantee Program.

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 Workforce Guarantee Program.

ECONOMIC DEVELOPMENT CONTINGENCY

Of the foregoing appropriation item 195-677, Economic Development Contingency, up to \$19,400,000 shall be used by the Third Frontier Commission in fiscal year 2009 for biomedical research and technology transfer purposes under sections 184.01 to 184.03 of the Revised Code.

The foregoing appropriation item 195-677, Economic Development Contingency, may be expended only after the Department of Development submits and the Controlling Board approves a request that outlines the planned use of funds to be expended.

DIRECT COST RECOVERY EXPENDITURES

The foregoing appropriation item 195-636, Direct Cost Recovery Expenditures, shall be used for conference and

subscription fees and other reimbursable costs. Revenues to the 53791  
General Reimbursement Fund (Fund 685) shall consist of fees and 53792  
other moneys charged for conferences, subscriptions, and other 53793  
administrative costs that are not central service costs. 53794

**Section 263.20.40. HEAP WEATHERIZATION** 53795

Fifteen per cent of the federal funds received by the state 53796  
for the Home Energy Assistance Block Grant shall be deposited in 53797  
appropriation item 195-614, HEAP Weatherization (Fund 3K9), and 53798  
shall be used to provide home weatherization services in the 53799  
state. 53800

The Department of Development shall seek, and if approved 53801  
shall implement, a federal waiver to increase the percentage of 53802  
the Home Energy Block Grant that may be used for weatherization to 53803  
sixteen and one-half per cent in fiscal year 2008 and seventeen 53804  
and one-half per cent in fiscal year 2009. Upon approval of the 53805  
federal waiver, the Director of Development shall seek Controlling 53806  
Board approval to adjust appropriation items 195-611, Home Energy 53807  
Assistance Block Grant, and 195-614, HEAP Weatherization, as 53808  
needed to implement the federal waiver. 53809

**STATE SPECIAL PROJECTS** 53810

The foregoing fund, Fund 4F2, State Special Projects Fund, 53811  
shall be used for the deposit of private-sector funds from utility 53812  
companies and for the deposit of other miscellaneous state funds. 53813  
Private-sector moneys shall be used to (1) pay the expenses of 53814  
verifying the income-eligibility of HEAP applicants, (2) market 53815  
economic development opportunities in the state, and (3) leverage 53816  
additional federal funds. State funds shall be used to match 53817  
federal housing grants for the homeless and to market economic 53818  
development opportunities in the state. 53819

**Section 263.20.50. TAX INCENTIVE PROGRAMS OPERATING** 53820

On July 1, 2007, or as soon thereafter as possible, the 53821  
Director of Budget and Management shall transfer the cash balance 53822  
in the Job Creation Tax Credit Operating Fund (Fund 4S1) to the 53823  
Tax Incentive Programs Operating Fund (Fund 4S0). The Director 53824  
shall cancel any existing encumbrances against appropriation item 53825  
195-634, Job Creation Tax Credit Operating (Fund 4S1), and 53826  
re-establish them against appropriation item 195-630, Tax 53827  
Incentive Programs Operating (Fund 4S0). The amounts of the 53828  
re-established encumbrances are hereby appropriated. 53829

**Section 263.20.60. MINORITY BUSINESS ENTERPRISE LOAN** 53830

All repayments from the Minority Development Financing 53831  
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 53832  
Program shall be deposited in the State Treasury to the credit of 53833  
the Minority Business Enterprise Loan Fund (Fund 4W1). 53834

All operating costs of administering the Minority Business 53835  
Enterprise Loan Fund shall be paid from the Minority Business 53836  
Enterprise Loan Fund (Fund 4WI). 53837

**MINORITY BUSINESS BONDING FUND** 53838

Notwithstanding Chapters 122., 169., and 175. of the Revised 53839  
Code and other provisions of Am. Sub. H.B. 283 of the 123rd 53840  
General Assembly, the Director of Development may, upon the 53841  
recommendation of the Minority Development Financing Advisory 53842  
Board, pledge up to \$10,000,000 in the FY 2008-2009 biennium of 53843  
unclaimed funds administered by the Director of Commerce and 53844  
allocated to the Minority Business Bonding Program under section 53845  
169.05 of the Revised Code. The transfer of any cash by the 53846  
Director of Budget and Management from the Department of 53847  
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of 53848  
Development's Minority Business Bonding Fund (Fund 449) shall 53849  
occur, if requested by the Director of Development, only if such 53850  
funds are needed for payment of losses arising from the Minority 53851

Business Bonding Program, and only after proceeds of the initial 53852  
transfer of \$2,700,000 by the Controlling Board to the Minority 53853  
Business Bonding Program has been used for that purpose. Moneys 53854  
transferred by the Director of Budget and Management from the 53855  
Department of Commerce for this purpose may be moneys in custodial 53856  
funds held by the Treasurer of State. If expenditures are required 53857  
for payment of losses arising from the Minority Business Bonding 53858  
Program, such expenditures shall be made from appropriation item 53859  
195-623, Minority Business Bonding Contingency in the Minority 53860  
Business Bonding Fund, and such amounts are appropriated. 53861

**Section 263.20.70. ECONOMIC DEVELOPMENT FINANCING OPERATING** 53862

The foregoing appropriation item 195-625, Economic 53863  
Development Financing Operating, shall be used for the operating 53864  
expenses of financial assistance programs authorized under Chapter 53865  
166. of the Revised Code and under sections 122.43 and 122.45 of 53866  
the Revised Code. 53867

**ALTERNATIVE FUEL TRANSPORTATION** 53868

The foregoing appropriation item 195-679, Alternative Fuel 53869  
Transportation, shall be used by the Director of Development to 53870  
make grants under the Alternative Fuel Transportation Grant Fund 53871  
Program in accordance with section 122.075 of the Revised Code, 53872  
and for administrative costs associated with the program. 53873

Of the foregoing appropriation item 195-679, Alternative Fuel 53874  
Transportation, up to \$1,000,000 in each fiscal year shall be used 53875  
to encourage retail gas stations to provide E85 and B20 (or 53876  
higher) fuel to customers in accordance with section 122.075 of 53877  
the Revised Code. 53878

**LOW INCOME ENERGY ASSISTANCE** 53879

The foregoing appropriation item 195-659, Low Income Energy 53880  
Assistance, shall be used to provide payments to regulated 53881

electric utility companies for low-income customers enrolled in 53882  
Percentage of Income Payment Plan (PIPP) electric accounts, to 53883  
fund targeted energy efficiency and customer education services to 53884  
PIPP customers, and to cover the department's administrative costs 53885  
related to Universal Service Fund Programs. If it is determined 53886  
that additional appropriations are necessary to provide payments 53887  
to regulated utility companies for low income customers enrolled 53888  
in PIPP electric accounts, such appropriations are subject to 53889  
approval by the Controlling Board upon the submission of a request 53890  
by the Department of Development. 53891

ADVANCED ENERGY FUND 53892

The foregoing appropriation item 195-660, Advanced Energy 53893  
Programs, shall be used to provide financial assistance to 53894  
customers for eligible advanced energy projects for residential, 53895  
commercial and industrial business, local government, educational 53896  
institution, nonprofit, and agriculture customers, and to pay for 53897  
the program's administrative costs as provided in the Revised Code 53898  
and rules adopted by the Director of Development. 53899

Of the foregoing appropriation item 195-660, Advanced Energy 53900  
Programs, up to \$1,000,000 over the biennium shall be used for 53901  
methane digester projects. 53902

Of the foregoing appropriation item 195-660, Advanced Energy 53903  
Programs, up to \$250,000 in each fiscal year shall be used for 53904  
grants to school districts under section 3327.17 of the Revised 53905  
Code. 53906

TRANSFER FROM THE ADVANCED ENERGY FUND TO THE INDUSTRIAL SITE 53907  
IMPROVEMENTS FUND 53908

Notwithstanding Chapters 122. and 4928. of the Revised Code 53909  
and any other law to the contrary, the Director of Budget and 53910  
Management shall transfer \$4,500,000 in cash in fiscal year 2008 53911  
and \$4,500,000 in cash in fiscal year 2009 from the Advanced 53912

Energy Fund (Fund 5M5) to the Industrial Site Improvements Fund 53913  
(Fund 5AR). 53914

Moneys in Fund 5AR, Industrial Site Improvements, shall be 53915  
used by the Director of Development to make grants to eligible 53916  
counties for the improvement of commercial or industrial areas 53917  
within those counties under section 122.951 of the Revised Code. 53918

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 53919

All payments received by the state pursuant to a series of 53920  
settlements with ten brokerage firms reached with the United 53921  
States Securities and Exchange Commission, the National 53922  
Association of Securities Dealers, the New York Stock Exchange, 53923  
the New York Attorney General, and other state regulators 53924  
(henceforth referred to as the "Global Analysts Settlement 53925  
Agreements"), shall be deposited into the state treasury to the 53926  
credit of the Economic Development Contingency Fund (Fund 5Y6), 53927  
which is hereby created in the state treasury. The fund shall be 53928  
used by the Director of Development to support economic 53929  
development projects for which appropriations would not otherwise 53930  
be available, and shall be subject to the submission of a request 53931  
to the Controlling Board by the Director outlining the planned use 53932  
of the funds, and the subsequent approval of the request by the 53933  
Controlling Board. 53934

VOLUME CAP ADMINISTRATION 53935

The foregoing appropriation item 195-654, Volume Cap 53936  
Administration, shall be used for expenses related to the 53937  
administration of the Volume Cap Program. Revenues received by the 53938  
Volume Cap Administration Fund (Fund 617) shall consist of 53939  
application fees, forfeited deposits, and interest earned from the 53940  
custodial account held by the Treasurer of State. 53941

INNOVATION OHIO LOAN FUND 53942

The foregoing appropriation item 195-664, Innovation Ohio, 53943

shall be used to provide for innovation Ohio purposes, including 53944  
loan guarantees and loans under Chapter 166. and particularly 53945  
sections 166.12 to 166.16 of the Revised Code. 53946

RESEARCH AND DEVELOPMENT 53947

The foregoing appropriation item 195-665, Research and 53948  
Development, shall be used to provide for research and development 53949  
purposes, including loans, under Chapter 166. and particularly 53950  
sections 166.17 to 166.21 of the Revised Code. 53951

**Section 263.20.80. FACILITIES ESTABLISHMENT FUND** 53952

The foregoing appropriation item 195-615, Facilities 53953  
Establishment (Fund 037), shall be used for the purposes of the 53954  
Facilities Establishment Fund under Chapter 166. of the Revised 53955  
Code. 53956

Notwithstanding Chapter 166. of the Revised Code, an amount 53957  
not to exceed \$1,800,000 in cash each fiscal year may be 53958  
transferred from the Facilities Establishment Fund (Fund 037) to 53959  
the Economic Development Financing Operating Fund (Fund 451). The 53960  
transfer is subject to Controlling Board approval under division 53961  
(B) of section 166.03 of the Revised Code. 53962

Notwithstanding Chapter 166. of the Revised Code, an amount 53963  
not to exceed \$5,475,000 in cash each fiscal year may be 53964  
transferred during the biennium from the Facilities Establishment 53965  
Fund (Fund 037) to the Urban Redevelopment Loans Fund (Fund 5D2) 53966  
for the purpose of removing barriers to urban core redevelopment. 53967  
The Director of Development shall develop program guidelines for 53968  
the transfer and release of funds, including, but not limited to, 53969  
the completion of all appropriate environmental assessments before 53970  
state assistance is committed to a project. The transfers shall be 53971  
subject to approval by the Controlling Board upon the submission 53972  
of a request by the Department of Development. 53973

Notwithstanding Chapter 166. of the Revised Code, an amount 53974  
not to exceed \$3,000,000 in cash each fiscal year may be 53975  
transferred from the Facilities Establishment Fund (Fund 037) to 53976  
the Rural Industrial Park Loan Fund (Fund 4Z6). The transfer is 53977  
subject to Controlling Board approval under section 166.03 of the 53978  
Revised Code. 53979

Notwithstanding Chapter 166. of the Revised Code, of the 53980  
foregoing appropriation item 195-615, Facilities Establishment, 53981  
\$1,500,000 in fiscal year 2008 shall be used for business 53982  
development by any current or future port authority located in 53983  
Clark County. 53984

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND 53985

Notwithstanding Chapter 166. of the Revised Code, an amount 53986  
not to exceed \$1,000,000 in cash each fiscal year shall be 53987  
transferred from moneys in the Facilities Establishment Fund (Fund 53988  
037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG) 53989  
in the Department of Development. 53990

RURAL DEVELOPMENT INITIATIVE FUND 53991

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is 53992  
entitled to receive moneys from the Facilities Establishment Fund 53993  
(Fund 037). The Director of Development may make grants from the 53994  
Rural Development Initiative Fund as specified in division (A)(2) 53995  
of this section to eligible applicants in Appalachian counties and 53996  
in rural counties in the state that are designated as distressed 53997  
under section 122.25 of the Revised Code. Preference shall be 53998  
given to eligible applicants located in Appalachian counties 53999  
designated as distressed by the federal Appalachian Regional 54000  
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 54001  
cease to exist after June 30, 2009. All moneys remaining in the 54002  
Fund after that date shall revert to the Facilities Establishment 54003  
Fund (Fund 037). 54004

(2) The Director of Development shall make grants from the Rural Development Initiative Fund (Fund 5S8) only to eligible applicants who also qualify for and receive funding under the Rural Industrial Park Loan Program as specified in sections 122.23 to 122.27 of the Revised Code. Eligible applicants shall use the grants for the purposes specified in section 122.24 of the Revised Code. All projects supported by grants from the fund are subject to Chapter 4115. of the Revised Code as specified in division (E) of section 166.02 of the Revised Code. The Director shall develop program guidelines for the transfer and release of funds. The release of grant moneys to an eligible applicant is subject to Controlling Board approval.

(B) Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$3,000,000 in cash each fiscal year on an as-needed basis at the request of the Director of Development from the Facilities Establishment Fund (Fund 037) to the Rural Development Initiative Fund (Fund 5S8). The transfer is subject to Controlling Board approval under section 166.03 of the Revised Code.

**CAPITAL ACCESS LOAN PROGRAM**

The foregoing appropriation item 195-628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program shall be used to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$3,000,000 in cash each fiscal year on an as-needed basis at the request of the Director of Development from the Facilities Establishment Fund (Fund 037) to the Capital Access Loan Program Fund (Fund 5S9). The transfer is subject to Controlling Board

approval under section 166.03 of the Revised Code.	54037
<b>Section 263.20.90.</b> CLEAN OHIO OPERATING EXPENSES	54038
The foregoing appropriation item 195-663, Clean Ohio	54039
Operating, shall be used by the Department of Development in	54040
administering sections 122.65 to 122.658 of the Revised Code.	54041
THIRD FRONTIER OPERATING	54042
The foregoing appropriation item 195-686, Third Frontier	54043
Operating, shall be used for operating expenses incurred by the	54044
Department of Development in administering sections 184.10 to	54045
184.20 of the Revised Code.	54046
THIRD FRONTIER RESEARCH & DEVELOPMENT PROJECTS	54047
The foregoing appropriation item 195-687, Third Frontier	54048
Research & Development Projects, shall be used by the Department	54049
of Development to fund selected projects pursuant to sections	54050
184.10 to 184.20 of the Revised Code.	54051
Notwithstanding sections 184.10 to 184.20 of the Revised	54052
Code, of the foregoing appropriation item 195-687, Third Frontier	54053
Research & Development Projects, up to \$20,000,000 in fiscal year	54054
2008 shall be used by the Office of Information Technology, in	54055
partnership with the Ohio Supercomputer Center's OSCnet, to	54056
acquire the equipment and services necessary to migrate state	54057
agencies' network to the existing OSCnet network backbone. This	54058
state network shall be known as the NextGen Network.	54059
Notwithstanding sections 184.10 to 184.20 of the Revised	54060
Code, at the direction of the Director of Budget and Management up	54061
to \$18,000,000 in each fiscal year from appropriation item	54062
195-687, Third Frontier Research & Development Projects, and	54063
appropriation item 195-692, Research & Development Taxable Bond	54064
Projects, shall be used to fund the Research Incentive Program in	54065
the Board of Regents.	54066

On or before June 30, 2008, any unencumbered balance of the 54067  
foregoing appropriation item 195-687, Third Frontier Research & 54068  
Development Projects, for fiscal year 2008 is hereby appropriated 54069  
for the same purpose for fiscal year 2009. 54070

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 54071

The Ohio Public Facilities Commission, upon request of the 54072  
Department of Development, is hereby authorized to issue and sell, 54073  
in accordance with Section 2p of Article VIII, Ohio Constitution, 54074  
and particularly sections 151.01 and 151.10 of the Revised Code, 54075  
original obligations of the State of Ohio in an aggregate amount 54076  
not to exceed \$150,000,000. The authorized obligations shall be 54077  
issued and sold from time to time and in amounts necessary to 54078  
ensure sufficient moneys to the credit of the Third Frontier 54079  
Research & Development Fund (Fund 011) to pay costs of research 54080  
and development projects. 54081

JOB READY SITE OPERATING 54082

The foregoing appropriation item 195-688, Job Ready Site 54083  
Operating, shall be used for operating expenses incurred by the 54084  
Department of Development in administering sections 122.085 to 54085  
122.0820 of the Revised Code. Operating expenses include, but are 54086  
not limited to, certain expenses of the District Public Works 54087  
Integrating Committees, audit and accountability activities, and 54088  
costs associated with formal certifications verifying that site 54089  
infrastructure is in place and is functional. 54090

**Section 263.30.10. UNCLAIMED FUNDS TRANSFER** 54091

(A) Notwithstanding division (A) of section 169.05 of the 54092  
Revised Code, upon the request of the Director of Budget and 54093  
Management, the Director of Commerce, prior to June 30, 2008, 54094  
shall transfer to the Job Development Initiatives Fund (Fund 5AD) 54095  
an amount not to exceed \$5,000,000 in cash of the unclaimed funds 54096

that have been reported by the holders of unclaimed funds under 54097  
section 169.05 of the Revised Code, regardless of the allocation 54098  
of the unclaimed funds described under that section. 54099

Notwithstanding division (A) of section 169.05 of the Revised 54100  
Code, upon the request of the Director of Budget and Management, 54101  
the Director of Commerce, prior to June 30, 2009, shall transfer 54102  
to the Job Development Initiatives Fund (Fund 5AD) an amount not 54103  
to exceed \$24,400,000 in cash of the unclaimed funds that have 54104  
been reported by the holders of unclaimed funds under section 54105  
169.05 of the Revised Code, regardless of the allocation of the 54106  
unclaimed funds described under that section. 54107

(B) Notwithstanding division (A) of section 169.05 of the 54108  
Revised Code, upon the request of the Director of Budget and 54109  
Management, the Director of Commerce, prior to June 30, 2008, 54110  
shall transfer to the State Special Projects Fund (Fund 4F2) an 54111  
amount not to exceed \$2,500,000 of the unclaimed funds that have 54112  
been reported by the holders of unclaimed funds under section 54113  
169.05 of the Revised Code, regardless of the allocation of the 54114  
unclaimed funds described under that section. 54115

Notwithstanding division (A) of section 169.05 of the Revised 54116  
Code, upon the request of the Director of Budget and Management, 54117  
the Director of Commerce, prior to June 30, 2009, shall transfer 54118  
to the State Special Projects Fund (Fund 4F2) an amount not to 54119  
exceed \$2,500,000 in cash of the unclaimed funds that have been 54120  
reported by the holders of unclaimed funds under section 169.05 of 54121  
the Revised Code, regardless of the allocation of the unclaimed 54122  
funds described under that section. 54123

**Section 263.30.20. WORKFORCE DEVELOPMENT** 54124

The Director of Development and the Director of Job and 54125  
Family Services may enter into one or more interagency agreements 54126  
between the two departments, hire staff, transfer staff, assign 54127

duties to staff, enter into contracts, transfer assets, and take 54128  
other actions the directors consider necessary to provide services 54129  
and assistance as necessary to integrate workforce development 54130  
into a larger economic development strategy, to implement the 54131  
recommendations of the Workforce Policy Board, and to perform 54132  
activities related to the transition of the administration of 54133  
employment programs identified by the board. Subject to the 54134  
approval of the Director of Budget and Management, the Department 54135  
of Development and the Department of Job and Family Services may 54136  
expend funds to support the recommendations of the Workforce 54137  
Policy Board in the area of integration of employment functions as 54138  
described in this paragraph and to provide implementation and 54139  
transition activities from the appropriations to those 54140  
departments. 54141

**Section 263.30.30.** COMMISSION ON THE FUTURE OF HEALTH CARE 54142  
EDUCATION AND PHYSICIAN RETENTION IN NW OH 54143

(A) Whereas, There is a physician shortage, particularly in 54144  
certain specialties, that is predicted to worsen within the next 54145  
decade; and 54146

Whereas, This shortage may worsen as a result of, among other 54147  
factors, fewer than ten per cent of new graduates from the 54148  
University of Toledo who choose to continue their training in 54149  
northwest Ohio; and 54150

Whereas, Many of the problems confronting physician training 54151  
at the graduate medical education level are already manifest in 54152  
northwest Ohio; and 54153

Whereas, It is prudent to examine the physician shortage 54154  
using northwest Ohio as a microcosm for the entire state of Ohio; 54155  
now therefore be it 54156

Resolved by the Ohio General Assembly that there is hereby 54157

created the Commission on the Future of Health Care Education and Physician Retention in NW OH.	54158 54159
(B) The Commission shall be composed of the following members:	54160 54161
(1) Six representatives of health care providers in northwest Ohio, none of whom shall be from the same organization;	54162 54163
(2) Six representatives of the health care profession in northwest Ohio, composed of the following individuals:	54164 54165
(a) One from the College of Medicine at the University of Toledo;	54166 54167
(b) One from the northwest Ohio chapter of the Ohio Nurses Association;	54168 54169
(c) One from the Academy of Medicine of Toledo and Lucas County;	54170 54171
(d) One from the Northwest Ohio Pediatric Society;	54172
(e) One geriatric medicine physician affiliated with Ohio University College of Osteopathic Medicine; and	54173 54174
(f) One osteopathic physician affiliated with Ohio University College of Osteopathic Medicine.	54175 54176
(3) Three representatives from northwest Ohio business and labor organizations, composed of the following individuals:	54177 54178
(a) One from the Toledo Area Regional Chamber of Commerce;	54179
(b) One from the labor community of northwest Ohio; and	54180
(c) One from the health insurance industry.	54181
(4) Three representatives of health care consumers in northwest Ohio, none of whom shall be currently employed or affiliated with a health system or health insurer.	54182 54183 54184
(5) Nine representatives of state and local government,	54185

composed of the following individuals:	54186
(a) Two members of the Ohio House of Representatives, one from the minority party and one from the majority party;	54187 54188
(b) Two members of the Ohio Senate, one from the minority party and one from the majority party;	54189 54190
(c) One township trustee of northwest Ohio;	54191
(d) Two representatives of northwest Ohio municipal corporations, only one of whom shall be from the City of Toledo;	54192 54193
(e) Two representatives of county commissioners, only one of whom shall be from Lucas County.	54194 54195
(C) Members of the committee shall be appointed as follows:	54196
(1) For those members described in divisions (B)(1) and (2) of this section, two each by the Governor, the Speaker of the House of Representatives, and the President of the Senate;	54197 54198 54199
(2) For those members described in divisions (B)(3) and (4) of this section, one each by the Governor, the Speaker of the House of Representatives, and the President of the Senate;	54200 54201 54202
(3) For those members described in division (B)(5), three each by the Governor, the Speaker of the House of Representatives, and the President of the Senate.	54203 54204 54205
(D) Members of the Commission shall be appointed not later than 30 days after the effective date of this section and shall first meet not later than 30 days after all appointments have been made. At its first meeting, the commission shall elect from among its members who are members of the Senate and House of Representatives a chairperson and vice-chairperson.	54206 54207 54208 54209 54210 54211
Members of the commission shall serve without compensation, but may solicit on behalf of the Commission public and private funds to defray any costs of the Commission. The Commission shall meet at the call of the chairperson to conduct its official	54212 54213 54214 54215

business. A majority of members shall constitute a quorum and a quorum shall be necessary to conduct any activities of the Commission.

(E) The Toledo Community Foundation or a similar organization shall provide meeting space and administrative support for the Commission. The Ohio Board of Regents shall serve as a resource to the Commission.

(F) The Commission shall prepare a report that examines and makes recommendations regarding the graduate medical education system in northwest Ohio, including:

(1) Ways to increase the number and retention of medical graduates in northwest Ohio;

(2) The status of the health care workforce in northwest Ohio;

(3) The role of the University of Toledo in the health care education of the surrounding region;

(4) Potential changes in federal and state statutes and rules regarding Medicaid support of graduate medical education; and

(5) Policy initiatives that the Governor and General Assembly may consider to strengthen graduate medical education opportunities and physician retention in northwest Ohio.

(G) The Commission shall, not later than nine months after the effective date of this section, submit to the Governor and General Assembly the report and recommendations prepared under division (F) of this section. On submission of the report, the Commission shall cease to exist.

**Section 265.10.** OBD OHIO BOARD OF DIETETICS

General Services Fund Group  
4K9 860-609 Operating Expenses           \$           342,501   \$           348,964

TOTAL GSF General Services Fund				54245
Group	\$	342,501	\$ 348,964	54246
TOTAL ALL BUDGET FUND GROUPS	\$	342,501	\$ 348,964	54247
<b>Section 267.10. CDR COMMISSION ON DISPUTE RESOLUTION AND</b>				54249
CONFLICT MANAGEMENT				54250
General Revenue Fund				54251
GRF 145-401 Commission Operations	\$	455,123	\$ 460,000	54252
TOTAL GRF General Revenue Fund	\$	455,123	\$ 460,000	54253
General Services Fund Group				54254
4B6 145-601 Dispute Resolution	\$	140,000	\$ 140,000	54255
Programs				
TOTAL GSF General Services Fund	\$	140,000	\$ 140,000	54256
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	595,123	\$ 600,000	54257
<b>Section 269.10. EDU DEPARTMENT OF EDUCATION</b>				54259
General Revenue Fund				54260
GRF 200-100 Personal Services	\$	11,533,494	\$ 12,110,169	54261
GRF 200-320 Maintenance and	\$	4,549,479	\$ 4,778,203	54262
Equipment				
GRF 200-408 Early Childhood	\$	34,002,195	\$ 36,502,195	54263
Education				
GRF 200-410 Educator Training	\$	19,628,817	\$ 20,628,817	54264
GRF 200-416 Career-Technical	\$	2,233,195	\$ 2,233,195	54265
Education Match				
GRF 200-420 Computer/Application/	\$	5,536,362	\$ 5,793,700	54266
Network Development				
GRF 200-421 Alternative Education	\$	15,232,665	\$ 13,232,665	54267
Programs				
GRF 200-422 School Management	\$	2,960,572	\$ 2,960,572	54268
Assistance				

GRF 200-424	Policy Analysis	\$	556,687	\$	556,687	54269
GRF 200-425	Tech Prep Consortia Support	\$	2,069,217	\$	2,069,217	54270
GRF 200-426	Ohio Educational Computer Network	\$	30,446,197	\$	30,446,197	54271
GRF 200-427	Academic Standards	\$	10,514,730	\$	10,514,730	54272
GRF 200-431	School Improvement Initiatives	\$	11,600,235	\$	12,350,235	54273
GRF 200-433	Literacy Improvement-Professional Development	\$	15,815,000	\$	15,815,000	54274
GRF 200-437	Student Assessment	\$	77,150,819	\$	76,387,144	54275
GRF 200-439	Accountability/Report Cards	\$	8,096,040	\$	14,223,540	54276
GRF 200-442	Child Care Licensing	\$	1,302,495	\$	1,302,495	54277
GRF 200-446	Education Management Information System	\$	16,110,510	\$	16,586,082	54278
GRF 200-447	GED Testing	\$	1,544,360	\$	1,544,360	54279
GRF 200-448	Educator Preparation	\$	1,301,000	\$	1,301,000	54280
GRF 200-455	Community Schools	\$	1,533,661	\$	1,533,661	54281
GRF 200-502	Pupil Transportation	\$	424,783,117	\$	429,030,948	54282
GRF 200-503	Bus Purchase Allowance	\$	14,000,000	\$	14,000,000	54283
GRF 200-505	School Lunch Match	\$	8,998,025	\$	8,998,025	54284
GRF 200-509	Adult Literacy Education	\$	8,669,738	\$	8,669,738	54285
GRF 200-511	Auxiliary Services	\$	131,740,457	\$	135,692,670	54286
GRF 200-514	Postsecondary Adult Career-Technical Education	\$	19,481,875	\$	19,481,875	54287
GRF 200-521	Gifted Pupil Program	\$	47,608,030	\$	48,008,613	54288
GRF 200-532	Nonpublic Administrative Cost Reimbursement	\$	59,810,517	\$	61,604,832	54289

GRF 200-536	Ohio Core Support	\$	7,700,000	\$	15,125,000	54290
GRF 200-540	Special Education	\$	138,619,945	\$	139,756,839	54291
	Enhancements					
GRF 200-545	Career-Technical	\$	9,298,651	\$	9,373,926	54292
	Education Enhancements					
GRF 200-550	Foundation Funding	\$	5,761,699,328	\$	6,034,943,246	54293
GRF 200-566	Literacy	\$	12,062,336	\$	12,062,336	54294
	Improvement-Classroom					
	Grants					
GRF 200-578	Violence Prevention	\$	1,218,555	\$	1,218,555	54295
	and School Safety					
GRF 200-901	Property Tax	\$	794,583,404	\$	850,868,654	54296
	Allocation - Education					
GRF 200-906	Tangible Tax Exemption	\$	21,415,244	\$	10,707,622	54297
	- Education					
TOTAL GRF	General Revenue Fund	\$	7,735,406,952	\$	8,082,412,743	54298
	General Services Fund Group					54299
138 200-606	Computer	\$	7,600,091	\$	7,600,091	54300
	Services-Operational					
	Support					
4D1 200-602	Ohio	\$	832,000	\$	832,000	54301
	Prevention/Education					
	Resource Center					
4L2 200-681	Teacher Certification	\$	5,966,032	\$	6,323,994	54302
	and Licensure					
452 200-638	Miscellaneous	\$	273,166	\$	279,992	54303
	Educational Services					
5H3 200-687	School District	\$	18,000,000	\$	18,000,000	54304
	Solvency Assistance					
596 200-656	Ohio Career	\$	529,761	\$	529,761	54305
	Information System					
TOTAL GSF	General Services					54306
Fund Group		\$	33,201,050	\$	33,565,838	54307

	Federal Special Revenue Fund Group				54308		
3AF	200-603	Schools Medicaid	\$	486,000	\$	639,000	54309
		Administrative Claims					
3BK	200-628	Longitudinal Data	\$	1,795,570	\$	307,050	54310
		Systems					
3BV	200-636	Character Education	\$	700,000	\$	700,000	54311
3CF	200-644	Foreign Language	\$	85,000	\$	285,000	54312
		Assistance					
3CG	200-646	Teacher Incentive Fund	\$	6,552,263	\$	3,994,338	54313
3C5	200-661	Early Childhood	\$	18,989,779	\$	18,989,779	54314
		Education					
3D1	200-664	Drug Free Schools	\$	13,347,966	\$	13,347,966	54315
3D2	200-667	Honors Scholarship	\$	6,573,968	\$	6,665,000	54316
		Program					
3H9	200-605	Head Start	\$	275,000	\$	275,000	54317
		Collaboration Project					
3L6	200-617	Federal School Lunch	\$	244,714,211	\$	249,903,970	54318
3L7	200-618	Federal School	\$	63,927,606	\$	69,041,814	54319
		Breakfast					
3L8	200-619	Child/Adult Food	\$	69,280,946	\$	70,691,653	54320
		Programs					
3L9	200-621	Career-Technical	\$	48,029,701	\$	48,029,701	54321
		Education Basic Grant					
3M0	200-623	ESEA Title 1A	\$	415,000,000	\$	420,000,000	54322
3M1	200-678	Innovative Education	\$	5,369,100	\$	5,363,706	54323
3M2	200-680	Individuals with	\$	500,000,000	\$	405,000,000	54324
		Disabilities Education					
		Act					
3S2	200-641	Education Technology	\$	10,000,000	\$	5,000,000	54325
3T4	200-613	Public Charter Schools	\$	13,850,827	\$	14,212,922	54326
3Y2	200-688	21st Century Community	\$	30,681,554	\$	30,681,554	54327
		Learning Centers					
3Y4	200-632	Reading First	\$	35,215,798	\$	31,215,798	54328

3Y6	200-635	Improving Teacher Quality	\$	102,692,685	\$	102,698,246	54329
3Y7	200-689	English Language Acquisition	\$	8,000,000	\$	8,000,000	54330
3Y8	200-639	Rural and Low Income Technical Assistance	\$	1,500,000	\$	1,500,000	54331
3Z2	200-690	State Assessments	\$	12,883,799	\$	12,883,799	54332
3Z3	200-645	Consolidated Federal Grant Administration	\$	8,500,000	\$	8,500,000	54333
309	200-601	Educationally Disadvantaged Programs	\$	12,750,000	\$	8,750,000	54334
366	200-604	Adult Basic Education	\$	19,425,000	\$	20,396,250	54335
367	200-607	School Food Services	\$	5,849,748	\$	6,088,737	54336
368	200-614	Veterans' Training	\$	710,373	\$	745,892	54337
369	200-616	Career-Technical Education Federal Enhancement	\$	5,000,000	\$	5,000,000	54338
370	200-624	Education of Exceptional Children	\$	1,811,520	\$	575,454	54339
374	200-647	Troops to Teachers	\$	100,000	\$	100,000	54340
378	200-660	Learn and Serve	\$	1,561,954	\$	1,561,954	54341
TOTAL FED Federal Special							54342
Revenue Fund Group			\$	1,665,660,368	\$	1,571,144,583	54343
State Special Revenue Fund Group							54344
4R7	200-695	Indirect Operational Support	\$	5,449,748	\$	5,810,464	54345
4V7	200-633	Interagency Operational Support	\$	392,100	\$	376,423	54346
454	200-610	Guidance and Testing	\$	400,000	\$	400,000	54347
455	200-608	Commodity Foods	\$	24,000,000	\$	24,000,000	54348
5BB	200-696	State Action for Education Leadership	\$	1,250,000	\$	1,250,000	54349
5BJ	200-626	Half-Mill Maintenance	\$	10,700,000	\$	10,700,000	54350

		Equalization				
5U2	200-685	National Education	\$	300,000	\$	300,000 54351
		Statistics				
5W2	200-663	Early Learning	\$	2,200,000	\$	2,200,000 54352
		Initiative				
598	200-659	Auxiliary Services	\$	1,328,910	\$	1,328,910 54353
		Reimbursement				
620	200-615	Educational	\$	3,000,000	\$	3,000,000 54354
		Improvement Grants				
TOTAL SSR State Special Revenue						54355
Fund Group			\$	49,020,758	\$	49,365,797 54356
Lottery Profits Education Fund Group						54357
017	200-612	Foundation Funding	\$	635,198,000	\$	667,900,000 54358
017	200-682	Lease Rental Payment	\$	22,702,000	\$	0 54359
		Reimbursement				
TOTAL LPE Lottery Profits						54360
Education Fund Group			\$	657,900,000	\$	667,900,000 54361
Revenue Distribution Fund Group						54362
047	200-909	School District	\$	611,596,856	\$	763,316,819 54363
		Property Tax				
		Replacement-Business				
053	200-900	School District	\$	91,123,523	\$	91,123,523 54364
		Property Tax				
		Replacement-Utility				
TOTAL RDF Revenue Distribution						54365
Fund Group			\$	702,720,379	\$	854,440,342 54366
TOTAL ALL BUDGET FUND GROUPS			\$	10,843,909,507	\$	11,258,829,303 54367

**Section 269.10.10. PERSONAL SERVICES** 54369

The foregoing appropriation item 200-100, Personal Services, 54370  
 may be used to pay fees for the Department's membership in the 54371  
 Education Commission of the States, an interstate nonprofit, 54372

nonpartisan organization that supports states with the development of education policy. 54373  
54374

Of the foregoing appropriation item 200-100, Personal Services, up to \$25,000 may be expended in each fiscal year for the State Board of Education to pay for outside professionals to help inform the Board on topics of education policy. 54375  
54376  
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**Section 269.10.20. EARLY CHILDHOOD EDUCATION** 54379

The Department of Education shall distribute the foregoing appropriation item 200-408, Early Childhood Education, to pay the costs of early childhood education programs. 54380  
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(A) As used in this section: 54383

(1) "Provider" means a city, local, exempted village, or joint vocational school district, or an educational service center. 54384  
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(2) In the case of a city, local, or exempted village school district, "new eligible provider" means a district that is eligible for poverty-based assistance under section 3317.029 of the Revised Code. 54387  
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(3) "Eligible child" means a child who is at least three years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines. 54391  
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(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children. 54395  
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(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's 54400  
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web site, regarding early childhood education programs operated 54403  
under this section and the early learning program guidelines for 54404  
school readiness. 54405

(D) After setting aside the amounts to make payments due from 54406  
the previous fiscal year, in fiscal year 2008, the Department 54407  
shall distribute funds first to recipients of funds for early 54408  
childhood education programs under Section 206.09.06 of Am. Sub. 54409  
H.B. 66 of the 126th General Assembly in the previous fiscal year 54410  
and the balance to new eligible providers of early childhood 54411  
education programs under this section. However, the total amount 54412  
of funds distributed in fiscal year 2008 to all providers that 54413  
received funds for early childhood education programs in fiscal 54414  
year 2007 shall not exceed \$18,622,151, unless the number of new 54415  
eligible providers that notifies the Department of their interest 54416  
in establishing early childhood education programs is insufficient 54417  
to expend all available funding. In that case, the Department may 54418  
direct available funding to providers that received funds for 54419  
early childhood education programs in fiscal year 2007 for 54420  
purposes of program expansion, improvement, or special projects to 54421  
promote quality and innovation. 54422

After setting aside the amounts to make payments due from the 54423  
previous fiscal year, in fiscal year 2009, the Department shall 54424  
distribute funds first to providers of early childhood education 54425  
programs under this section in the previous fiscal year and the 54426  
balance to new eligible providers. However, the total amount of 54427  
funds distributed in fiscal year 2009 to all providers that 54428  
received funds for early childhood education programs in fiscal 54429  
year 2007 shall not exceed \$18,622,151, unless the number of 54430  
providers that received funding in fiscal year 2008 and new 54431  
eligible providers that notify the Department of their interest in 54432  
establishing early childhood education programs is insufficient to 54433  
expend all available funding. In that case, the Department may 54434

direct available funding to providers that received funds for 54435  
early childhood education programs in fiscal year 2007 or 2008 for 54436  
purposes of program expansion, improvement, or special projects to 54437  
promote quality and innovation. 54438

In each of fiscal years 2008 and 2009, if funding is 54439  
insufficient to serve all new eligible providers that notify the 54440  
Department of their interest in establishing early childhood 54441  
education programs, the Department shall determine which of those 54442  
providers will receive funds using a selection process that first 54443  
gives preference to providers that, as of March 15, 2007, did not 54444  
offer early childhood education programs, but that had offered 54445  
early childhood education programs or public preschool programs 54446  
for some time after June 30, 2000, and second to providers that 54447  
demonstrate a need for early childhood education programs, as 54448  
determined by the Department. Demonstration of need shall include 54449  
having higher rates of eligible children to be served. 54450

Awards under this section shall be distributed on a per-pupil 54451  
basis, and in accordance with division (H) of this section. The 54452  
Department may adjust the per-pupil amount so that the per-pupil 54453  
amount multiplied by the number of eligible children enrolled and 54454  
receiving services, as defined by the Department, reported on the 54455  
first day of December or the first business day following that 54456  
date equals the amount allocated under this section. 54457

(E) Costs for developing and administering an early childhood 54458  
education program may not exceed fifteen per cent of the total 54459  
approved costs of the program. 54460

All providers shall maintain such fiscal control and 54461  
accounting procedures as may be necessary to ensure the 54462  
disbursement of, and accounting for, these funds. The control of 54463  
funds provided in this program, and title to property obtained 54464  
therefrom, shall be under the authority of the approved provider 54465  
for purposes provided in the program unless, as described in 54466

division (J) of this section, the program waives its right for 54467  
funding or a program's funding is eliminated or reduced due to its 54468  
inability to meet financial or early learning program guidelines 54469  
for school readiness. The approved provider shall administer and 54470  
use such property and funds for the purposes specified. 54471

(F) The Department may examine a provider's financial and 54472  
program records. If the financial practices of the program are not 54473  
in accordance with standard accounting principles or do not meet 54474  
financial standards outlined under division (E) of this section, 54475  
or if the program fails to substantially meet the early learning 54476  
program guidelines for school readiness or exhibits below average 54477  
performance as measured against the guidelines, the early 54478  
childhood education program shall propose and implement a 54479  
corrective action plan that has been approved by the Department. 54480  
The approved corrective action plan shall be signed by the chief 54481  
executive officer and the executive of the official governing body 54482  
of the provider. The corrective action plan shall include a 54483  
schedule for monitoring by the Department. Such monitoring may 54484  
include monthly reports, inspections, a timeline for correction of 54485  
deficiencies, and technical assistance to be provided by the 54486  
Department or obtained by the early childhood education program. 54487  
The Department may withhold funding pending corrective action. If 54488  
an early childhood education program fails to satisfactorily 54489  
complete a corrective action plan, the Department may deny 54490  
expansion funding to the program or withdraw all or part of the 54491  
funding to the program and establish a new eligible provider 54492  
through a selection process established by the Department. 54493

(G) Each early childhood education program shall do all of 54494  
the following: 54495

(1) Meet teacher qualification requirements prescribed by 54496  
section 3301.311 of the Revised Code; 54497

(2) Align curriculum to the early learning content standards; 54498

(3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that are applicable to the program;	54499 54500
(4) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department regarding the implementation of early learning program guidelines for school readiness;	54501 54502 54503 54504 54505 54506
(5) Document and report child progress;	54507
(6) Meet and report compliance with the early learning program guidelines for school readiness;	54508 54509
(7) Participate in early language and literacy classroom observation evaluation studies.	54510 54511
(H) This division applies only to early childhood education programs established on or after March 15, 2007.	54512 54513
Per-pupil funding for programs subject to this division shall be sufficient to provide eligible children with services for one-half of the statewide average length of the school day, as determined by the Department, for one hundred eighty-two days each school year. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the statewide average length of the school day or that exceed one hundred eighty-two days in a school year.	54514 54515 54516 54517 54518 54519 54520 54521 54522
(I) 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.	54523 54524 54525 54526
(J) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for	54527 54528

not meeting financial standards or the early learning program 54529  
guidelines for school readiness, the provider shall transfer 54530  
control of title to property, equipment, and remaining supplies 54531  
obtained through the program to providers designated by the 54532  
Department and return any unexpended funds to the Department along 54533  
with any reports prescribed by the Department. The funding made 54534  
available from a program that waives its right for funding or has 54535  
its funding eliminated or reduced may be used by the Department 54536  
for new grant awards or expansion grants. The Department may award 54537  
new grants or expansion grants to eligible providers who apply. 54538  
The eligible providers who apply must do so in accordance with the 54539  
selection process established by the Department. 54540

(K) As used in this section, "early learning program 54541  
guidelines for school readiness" means the guidelines established 54542  
by the Department pursuant to division (C)(3) of Section 206.09.54 54543  
of Am. Sub. H.B. 66 of the 126th General Assembly. 54544

**Section 269.10.30. EDUCATOR TRAINING** 54545

The foregoing appropriation item 200-410, Educator Training, 54546  
shall be used to fund professional development programs in Ohio. 54547  
The Department of Education shall, when possible, incorporate 54548  
cultural competency as a component of professional development and 54549  
actively promote the development of cultural competency in the 54550  
operation of its professional development programs. As used in 54551  
this section, "cultural competency" has the meaning specified by 54552  
the Educator Standards Board under section 3319.61 of the Revised 54553  
Code. 54554

Of the foregoing appropriation item 200-410, Educator 54555  
Training, up to \$9,250,000 in fiscal year 2008 and up to 54556  
\$10,250,000 in fiscal year 2009 shall be used by the Department of 54557  
Education to provide grants to pay \$2,225 of the application fee 54558  
in order to assist teachers from public and chartered nonpublic 54559

schools applying for the first time to the National Board for Professional Teaching Standards for professional teaching certificates or licenses that the board offers. These moneys shall be used to pay up to the first 400 applications in each fiscal year received by the Department. This set aside shall also be used to recognize and reward teachers who become certified by the National Board for Professional Teaching Standards under section 3319.55 of the Revised Code. Up to \$300,000 in each fiscal year of this set aside may be used by the Department to pay for costs associated with activities to support candidates through the application and certification process. Up to \$39,500 of this set aside in each fiscal year may be used to support the application fee for candidates participating in the Take One program for beginning teachers in years two and three.

Of the foregoing appropriation item 200-410, Educator Training, up to \$9,515,817 in each fiscal year shall be allocated for entry year teacher and principal programs. These funds shall be used to support mentoring services and performance assessments of beginning teachers and principals in school districts and chartered nonpublic schools.

Of the foregoing appropriation item 200-410, Educator Training, up to \$200,000 in each fiscal year shall be used to provide technical assistance and grants for districts to develop local knowledge/skills-based compensation systems. Each district receiving grants shall issue an annual report to the Department of Education detailing the use of the funds and the impact of the system developed by the district.

Of the foregoing appropriation item 200-410, Educator Training, up to \$350,000 in each fiscal year shall be used for training and professional development of school administrators, school treasurers, and school business officials.

Of the foregoing appropriation item 200-410, Educator

Training, up to \$63,000 in each fiscal year shall be used to 54592  
support the Ohio University Leadership Program. 54593

Of the foregoing appropriation item 200-410, Educator 54594  
Training, \$250,000 in each fiscal year shall be used to support 54595  
the Ohio School Leadership Institute. 54596

**Section 269.10.40. CAREER-TECHNICAL EDUCATION MATCH** 54597

The foregoing appropriation item 200-416, Career-Technical 54598  
Education Match, shall be used by the Department of Education to 54599  
provide vocational administration matching funds under 20 U.S.C. 54600  
2311. 54601

**COMPUTER/APPLICATION/NETWORK DEVELOPMENT** 54602

The foregoing appropriation item 200-420, 54603  
Computer/Application/Network Development, shall be used to support 54604  
the development and implementation of information technology 54605  
solutions designed to improve the performance and services of the 54606  
Department of Education. Funds may be used for personnel, 54607  
maintenance, and equipment costs related to the development and 54608  
implementation of these technical system projects. Implementation 54609  
of these systems shall allow the Department to provide greater 54610  
levels of assistance to school districts and to provide more 54611  
timely information to the public, including school districts, 54612  
administrators, and legislators. Funds may also be used to support 54613  
data-driven decision-making and differentiated instruction, as 54614  
well as to communicate academic content standards and curriculum 54615  
models to schools through web-based applications. 54616

**Section 269.10.50. ALTERNATIVE EDUCATION PROGRAMS** 54617

There is hereby created the Alternative Education Advisory 54618  
Council, which shall consist of one representative from each of 54619  
the following agencies: the Ohio Department of Education; the 54620  
Department of Youth Services; the Ohio Department of Alcohol and 54621

Drug Addiction Services; the Department of Mental Health; the 54622  
Office of the Governor or, at the Governor's discretion, the 54623  
Office of the Lieutenant Governor; the Office of the Attorney 54624  
General; and the Office of the Auditor of State. 54625

Of the foregoing appropriation item 200-421, Alternative 54626  
Education Programs, up to \$6,227,310 in each fiscal year shall be 54627  
used for the renewal of successful implementation grants and for 54628  
competitive matching grants to the 21 urban school districts as 54629  
defined in division (O) of section 3317.02 of the Revised Code as 54630  
it existed prior to July 1, 1998, and up to \$6,161,074 in each 54631  
fiscal year shall be used for the renewal of successful 54632  
implementation grants and for competitive matching grants to rural 54633  
and suburban school districts for alternative educational programs 54634  
for existing and new at-risk and delinquent youth. Programs shall 54635  
be focused on youth in one or more of the following categories: 54636  
those who have been expelled or suspended, those who have dropped 54637  
out of school or who are at risk of dropping out of school, those 54638  
who are habitually truant or disruptive, or those on probation or 54639  
on parole from a Department of Youth Services facility. Grants 54640  
shall be awarded according to the criteria established by the 54641  
Alternative Education Advisory Council in 1999. Grants shall be 54642  
awarded only to programs in which the grant will not serve as the 54643  
program's primary source of funding. These grants shall be 54644  
administered by the Department of Education. 54645

The Department of Education may waive compliance with any 54646  
minimum education standard established under section 3301.07 of 54647  
the Revised Code for any alternative school that receives a grant 54648  
under this section on the grounds that the waiver will enable the 54649  
program to more effectively educate students enrolled in the 54650  
alternative school. 54651

Of the foregoing appropriation item 200-421, Alternative 54652  
Education Programs, up to \$422,281 in each fiscal year may be used 54653

for program administration, monitoring, technical assistance, 54654  
support, research, and evaluation. Any unexpended balance may be 54655  
used to provide additional matching grants to urban, suburban, or 54656  
rural school districts as outlined above. 54657

Of the foregoing appropriation item 200-421, Alternative 54658  
Education Programs, \$247,000 in each fiscal year shall be used to 54659  
contract with the Center for Learning Excellence at The Ohio State 54660  
University to provide technical support for the project and the 54661  
completion of formative and summative evaluation of the grants. 54662

Of the foregoing appropriation item 200-421, Alternative 54663  
Education Programs, \$75,000 in each fiscal year shall be used to 54664  
support the Toledo Tech Academy. 54665

Of the foregoing appropriation item 200-421, Alternative 54666  
Education Programs, \$2,000,000 in fiscal year 2008 shall be used 54667  
to support Improved Solutions for Urban Students (ISUS) in 54668  
Dayton/Sinclair Youth Initiative. 54669

Of the foregoing appropriation item 200-421, Alternative 54670  
Education Programs, \$100,000 in each fiscal year shall be provided 54671  
to the Cincinnati Arts and Technology Center to increase program 54672  
support for high-risk teens and unemployed urban adults. 54673

**Section 269.10.60. SCHOOL MANAGEMENT ASSISTANCE** 54674

Of the foregoing appropriation item 200-422, School 54675  
Management Assistance, up to \$1,300,000 in each fiscal year may be 54676  
used by the Department of Education for expenses incurred by the 54677  
Auditor of State in consultation with the Department for the 54678  
Auditor of State's role relating to fiscal caution, fiscal watch, 54679  
and fiscal emergency activities as defined in Chapter 3316. of the 54680  
Revised Code and may also be used to conduct performance audits 54681  
with priority given to districts in fiscal distress. Expenses 54682  
include duties related to the completion of performance audits for 54683

school districts that the Superintendent of Public Instruction 54684  
determines are employing fiscal practices or experiencing 54685  
budgetary conditions that could produce a state of fiscal watch or 54686  
fiscal emergency. 54687

Of the foregoing appropriation item 200-422, School 54688  
Management Assistance, up to \$250,000 in each fiscal year shall be 54689  
used by the Department of Education to work with school districts 54690  
and entities that serve school districts to develop and deploy 54691  
analytical tools that allow districts and other stakeholders to 54692  
analyze more thoroughly district spending patterns in order to 54693  
promote more effective and efficient use of resources. Quarterly 54694  
updates of the progress for implementation of these tools shall be 54695  
provided to the Governor, and the Department shall give due 54696  
diligence to implementing these tools in the shortest reasonable 54697  
timeline. 54698

The remainder of foregoing appropriation item 200-422, School 54699  
Management Assistance, shall be used by the Department of 54700  
Education to provide fiscal technical assistance and inservice 54701  
education for school district management personnel and to 54702  
administer, monitor, and implement the fiscal watch and fiscal 54703  
emergency provisions under Chapter 3316. of the Revised Code. 54704

**Section 269.10.70. POLICY ANALYSIS** 54705

The foregoing appropriation item 200-424, Policy Analysis, 54706  
shall be used by the Department of Education to support a system 54707  
of administrative, statistical, and legislative education 54708  
information to be used for policy analysis. Staff supported by 54709  
this appropriation shall administer the development of reports, 54710  
analyses, and briefings to inform education policymakers of 54711  
current trends in education practice, efficient and effective use 54712  
of resources, and evaluation of programs to improve education 54713  
results. The database shall be kept current at all times. These 54714

research efforts shall be used to supply information and analysis 54715  
of data to the General Assembly and other state policymakers, 54716  
including the Office of Budget and Management and the Legislative 54717  
Service Commission. 54718

The Department of Education may use funding from this 54719  
appropriation item to purchase or contract for the development of 54720  
software systems or contract for policy studies that will assist 54721  
in the provision and analysis of policy-related information. 54722  
Funding from this appropriation item also may be used to monitor 54723  
and enhance quality assurance for research-based policy analysis 54724  
and program evaluation to enhance the effective use of education 54725  
information to inform education policymakers. 54726

TECH PREP CONSORTIA SUPPORT 54727

The foregoing appropriation item 200-425, Tech Prep Consortia 54728  
Support, shall be used by the Department of Education to support 54729  
state-level activities designed to support, promote, and expand 54730  
tech prep programs. Use of these funds shall include, but not be 54731  
limited to, administration of grants, program evaluation, 54732  
professional development, curriculum development, assessment 54733  
development, program promotion, communications, and statewide 54734  
coordination of tech prep consortia. 54735

**Section 269.10.80. OHIO EDUCATIONAL COMPUTER NETWORK** 54736

The foregoing appropriation item 200-426, Ohio Educational 54737  
Computer Network, shall be used by the Department of Education to 54738  
maintain a system of information technology throughout Ohio and to 54739  
provide technical assistance for such a system in support of the 54740  
State Education Technology Plan under section 3301.07 of the 54741  
Revised Code. 54742

Of the foregoing appropriation item 200-426, Ohio Educational 54743  
Computer Network, up to \$18,136,691 in each fiscal year shall be 54744

used by the Department of Education to support connection of all 54745  
public school buildings and participating chartered nonpublic 54746  
schools to the state's education network, to each other, and to 54747  
the Internet. In each fiscal year the Department of Education 54748  
shall use these funds to assist information technology centers or 54749  
school districts with the operational costs associated with this 54750  
connectivity. The Department of Education shall develop a formula 54751  
and guidelines for the distribution of these funds to information 54752  
technology centers or individual school districts. As used in this 54753  
section, "public school building" means a school building of any 54754  
city, local, exempted village, or joint vocational school 54755  
district, any community school established under Chapter 3314. of 54756  
the Revised Code, any educational service center building used for 54757  
instructional purposes, the Ohio School for the Deaf and the Ohio 54758  
School for the Blind, or high schools chartered by the Ohio 54759  
Department of Youth Services and high schools operated by Ohio 54760  
Department of Rehabilitation and Corrections' Ohio Central School 54761  
System. 54762

Of the foregoing appropriation item 200-426, Ohio Educational 54763  
Computer Network, up to \$2,469,223 in each fiscal year shall be 54764  
used for the Union Catalog and InfOhio Network and to support the 54765  
provision of electronic resources with priority given to resources 54766  
that support the teaching of state academic content standards in 54767  
all public schools. Consideration shall be given by the Department 54768  
of Education to coordinating the allocation of these moneys with 54769  
the efforts of Libraries Connect Ohio, whose members include 54770  
OhioLINK, the Ohio Public Information Network, and the State 54771  
Library of Ohio. 54772

Of the foregoing appropriation item 200-426, Ohio Educational 54773  
Computer Network, up to \$8,338,468 in each fiscal year shall be 54774  
used, through a formula and guidelines devised by the Department, 54775  
to subsidize the activities of designated information technology 54776

centers, as defined by State Board of Education rules, to provide 54777  
school districts and chartered nonpublic schools with 54778  
computer-based student and teacher instructional and 54779  
administrative information services, including approved 54780  
computerized financial accounting, and to ensure the effective 54781  
operation of local automated administrative and instructional 54782  
systems. 54783

The remainder of appropriation item 200-426, Ohio Educational 54784  
Computer Network, shall be used to support development, 54785  
maintenance, and operation of a network of uniform and compatible 54786  
computer-based information and instructional systems. This 54787  
technical assistance shall include, but not be restricted to, 54788  
development and maintenance of adequate computer software systems 54789  
to support network activities. In order to improve the efficiency 54790  
of network activities, the Department and information technology 54791  
centers may jointly purchase equipment, materials, and services 54792  
from funds provided under this appropriation for use by the 54793  
network and, when considered practical by the Department, may 54794  
utilize the services of appropriate state purchasing agencies. 54795

**Section 269.10.90. ACADEMIC STANDARDS** 54796

Of the foregoing appropriation item 200-427, Academic 54797  
Standards, \$150,000 in each fiscal year shall be used by the 54798  
Department in combination with funding earmarked for this purpose 54799  
in the Board of Regents' budget under appropriation item 235-321, 54800  
Operating Expenses. Such funding shall be used to support Ohio's 54801  
Partnership for Continued Learning at the direction of the Office 54802  
of the Governor. Ohio's Partnership for Continued Learning 54803  
replaces and broadens the former Joint Council of the Department 54804  
of Education and the Board of Regents. The Partnership shall 54805  
advise and make recommendations to promote collaboration among 54806  
relevant state entities in an effort to help local communities 54807

develop coherent and successful "P-16" learning systems. The 54808  
Governor, or the Governor's designee, shall serve as the 54809  
chairperson. 54810

Of the foregoing appropriation item 200-427, Academic 54811  
Standards, \$1,000,000 in each fiscal year shall be used for 54812  
Project Lead the Way leadership and management oversight and 54813  
initial and continuing support of Project Lead the Way workforce 54814  
development programs in participating school districts. 54815

Of the foregoing appropriation item 200-427, Academic 54816  
Standards, up to \$2,600,000 in each fiscal year shall be used for 54817  
mathematics initiatives that include, but are not limited to, 54818  
intensive teacher professional development institutes that focus 54819  
on classroom implementation of the mathematics standards. 54820

Of the foregoing appropriation item 200-427, Academic 54821  
Standards, \$200,000 in each fiscal year may be used to support the 54822  
Ohio Resource Center for Math and Science. 54823

Of the foregoing appropriation item 200-427, Academic 54824  
Standards, up to \$282,000 in each fiscal year shall be used for 54825  
the JASON Expedition project that provides statewide access to 54826  
JASON Expedition content. Funds shall be used to provide 54827  
professional development training for teachers participating in 54828  
the project, statewide management, and a seventy-five per cent 54829  
subsidy for statewide licensing of JASON Expedition content with 54830  
priority given to content aligned with state academic content 54831  
standards for approximately 90,000 middle school students 54832  
statewide. 54833

Of the foregoing appropriation item 200-427, Academic 54834  
Standards, \$285,000 in each fiscal year shall be used for science 54835  
initiatives that include, but are not limited to, the Ohio Science 54836  
Institute (OSCI). 54837

The remainder of appropriation item 200-427, Academic 54838

Standards, shall be used by the Department of Education to 54839  
develop, revise, and communicate to school districts academic 54840  
content standards and curriculum models. The Department may also 54841  
use the remainder to develop program models that demonstrate how 54842  
the academic content standards can be implemented in high school 54843  
classrooms and to offer online continuing education courses. 54844

**Section 269.20.10. SCHOOL IMPROVEMENT INITIATIVES** 54845

Of the foregoing appropriation item 200-431, School 54846  
Improvement Initiatives, \$450,000 in each fiscal year shall be 54847  
used for Ohio's Rural Appalachian Leadership Development 54848  
Initiative. 54849

Of the foregoing appropriation item 200-431, School 54850  
Improvement Initiatives, up to \$800,000 in each fiscal year shall 54851  
be used to support districts in the development and implementation 54852  
of their continuous improvement plans as required in section 54853  
3302.04 of the Revised Code and to provide technical assistance 54854  
and support in accordance with Title I of the "No Child Left 54855  
Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. This funding 54856  
shall serve as a supplement to the funds provided under division 54857  
(J) of section 3317.029 of the Revised Code, which represents 54858  
state support for school improvement initiatives that assist 54859  
school districts in closing the achievement gap. 54860

Of the foregoing appropriation item 200-431, School 54861  
Improvement Initiatives, up to \$236,250 in each fiscal year shall 54862  
be used to reduce the dropout rate by addressing the academic and 54863  
social problems of inner-city students through Project GRAD. 54864

Of the foregoing appropriation item 200-431, School 54865  
Improvement Initiatives, \$3,503,985 in fiscal year 2008 and 54866  
\$4,253,985 in fiscal year 2009 shall be used in conjunction with 54867  
funding provided in the Board of Regents' budget under 54868  
appropriation item 235-434, College Readiness and Access, to 54869

create early college high schools, which are small, autonomous 54870  
schools that blend high school and college into a coherent 54871  
educational program. The funds shall be distributed according to 54872  
guidelines established by the Department of Education and the 54873  
Board of Regents. 54874

Of the foregoing appropriation item 200-431, School 54875  
Improvement Initiatives, up to \$4,935,000 in each fiscal year 54876  
shall be used in partnership with nonprofit groups with expertise 54877  
in converting existing large urban high schools into small, 54878  
personalized high schools. Districts eligible for such funding 54879  
include the Urban 21 high schools, as defined in division (O) of 54880  
section 3317.02 of the Revised Code as it existed prior to July 1, 54881  
1998. 54882

Of the foregoing appropriation item 200-431, School 54883  
Improvement Initiatives, up to \$75,000 in each fiscal year shall 54884  
be provided to Southern State Community College for the Pilot 54885  
Post-Secondary Enrollment Options Program with Miami Trace High 54886  
School. 54887

Of the foregoing appropriation item 200-431, School 54888  
Improvement Initiatives, \$1,000,000 in each fiscal year shall be 54889  
used to support Jobs for Ohio Graduates (JOG). The Department of 54890  
Education shall require a two-to-one match of local funding to 54891  
state funding before releasing these funds to JOG. 54892

Of the foregoing appropriation item 200-431, School 54893  
Improvement Initiatives, up to \$600,000 in each fiscal year shall 54894  
be used by the Department of Education to support start-up costs 54895  
for gaining business and industry credentialing program 54896  
accreditation and to support the development of a data collection 54897  
system across the numerous industry test providers. Funds shall 54898  
also be used to help subsidize the cost of student participation 54899  
in industry assessments, provide research on industry assessments 54900  
for alignment to industry-established content standards, provide 54901

professional development opportunities for educators, and prepare 54902  
schools and adult centers to organize for credential alignment and 54903  
delivery. 54904

**Section 269.20.20. LITERACY IMPROVEMENT-PROFESSIONAL** 54905  
DEVELOPMENT 54906

Of the foregoing appropriation item 200-433, Literacy 54907  
Improvement-Professional Development, up to \$9,590,000 in each 54908  
fiscal year shall be used for educator training in literacy for 54909  
classroom teachers, administrators, and literacy specialists. 54910

Of the foregoing appropriation item 200-433, Literacy 54911  
Improvement-Professional Development, up to \$5,000,000 in each 54912  
fiscal year shall be used to support literacy professional 54913  
development partnerships between the Department of Education, 54914  
higher education institutions, literacy networks, and school 54915  
districts. 54916

Of the foregoing appropriation item 200-433, Literacy 54917  
Improvement - Professional Development, \$900,000 in each fiscal 54918  
year shall be used by the Department of Education to fund the 54919  
Reading Recovery Training Network, to cover the cost of release 54920  
time for the teacher trainers, and to provide grants to districts 54921  
to implement other reading improvement programs on a pilot basis. 54922  
Funds from this set-aside also may be used to conduct evaluations 54923  
of the impact and effectiveness of Reading Recovery and other 54924  
reading improvement programs. 54925

Of the foregoing appropriation item 200-433, Literacy 54926  
Improvement-Professional Development, \$100,000 in each fiscal year 54927  
shall be provided to the Contemporary Arts Center for art 54928  
education for children and a children's museum. 54929

The remainder of appropriation item 200-433, Literacy 54930  
Improvement-Professional Development, shall be used by the 54931

Department of Education to provide administrative support of 54932  
literacy professional development programs. Upon approval of the 54933  
Controlling Board, the Department may also use the remainder to 54934  
contract with an external evaluator on the effectiveness of 54935  
literacy professional development initiatives in the academic 54936  
achievement of students. 54937

STUDENT ASSESSMENT 54938

The foregoing appropriation item 200-437, Student Assessment, 54939  
shall be used to develop, field test, print, distribute, score, 54940  
report results, and support other associated costs for the tests 54941  
required under sections 3301.0710 and 3301.0711 of the Revised 54942  
Code and for similar purposes as required by section 3301.27 of 54943  
the Revised Code. If funds remain in this appropriation after 54944  
these purposes have been fulfilled, the Department may use the 54945  
remainder of the appropriation to develop end-of-course exams. 54946

**Section 269.20.30. ACCOUNTABILITY/REPORT CARDS** 54947

Of the foregoing appropriation item 200-439, 54948  
Accountability/Report Cards, up to \$3,028,540 in each fiscal year 54949  
shall be used to train district and regional specialists and 54950  
district educators in the use of the value-added progress 54951  
dimension. This funding shall be used in consultation with a 54952  
credible nonprofit organization with expertise in value-added 54953  
progress dimensions. 54954

Of the foregoing appropriation item, 200-439, 54955  
Accountability/Report Cards, up to \$6,000,000 in fiscal year 2009 54956  
shall be used to make payments to each city, local, or exempted 54957  
village school district that was declared to be "excellent" on the 54958  
local report card published for the district during that fiscal 54959  
year. The amount of the payment in each fiscal year to each 54960  
eligible school district shall be equal to the district's average 54961  
daily student enrollment reported on the district's local report 54962

card published during that fiscal year multiplied by \$10. If the total calculated payment exceeds this earmark, the Department shall reduce each district's payment proportionally.

The remainder of appropriation item 200-439, Accountability/Report Cards, shall be used by the Department to incorporate a statewide pilot value-added progress dimension into performance ratings for school districts and for the development of an accountability system that includes the preparation and distribution of school report cards under section 3302.03 of the Revised Code.

CHILD CARE LICENSING

The foregoing appropriation item 200-442, Child Care Licensing, shall be used by the Department of Education to license and to inspect preschool and school-age child care programs under sections 3301.52 to 3301.59 of the Revised Code.

**Section 269.20.40. EDUCATION MANAGEMENT INFORMATION SYSTEM**

The foregoing appropriation item 200-446, Education Management Information System, shall be used by the Department of Education to improve the Education Management Information System (EMIS).

Of the foregoing appropriation item 200-446, Education Management Information System, up to \$1,338,620 in fiscal year 2008 and up to \$1,372,085 in fiscal year 2009 shall be distributed to designated information technology centers for costs relating to processing, storing, and transferring data for the effective operation of the EMIS. These costs may include, but are not limited to, personnel, hardware, software development, communications connectivity, professional development, and support services, and to provide services to participate in the State Education Technology Plan pursuant to section 3301.07 of the

Revised Code. 54993

Of the foregoing appropriation item 200-446, Education 54994  
Management Information System, up to \$8,256,569 in fiscal year 54995  
2008 and up to \$8,462,984 in fiscal year 2009 shall be distributed 54996  
on a per-pupil basis to school districts, community schools 54997  
established under Chapter 3314. of the Revised Code, educational 54998  
service centers, joint vocational school districts, and any other 54999  
education entity that reports data through EMIS. From this 55000  
funding, each school district or community school established 55001  
under Chapter 3314. of the Revised Code with enrollment greater 55002  
than 100 students and each vocational school district shall 55003  
receive a minimum of \$5,000 in each fiscal year. Each school 55004  
district or community school established under Chapter 3314. of 55005  
the Revised Code with enrollment between one and one hundred and 55006  
each educational service center and each county board of MR/DD 55007  
that submits data through EMIS shall receive \$3,000 in each fiscal 55008  
year. This subsidy shall be used for costs relating to reporting, 55009  
processing, storing, transferring, and exchanging data necessary 55010  
to meet requirements of the Department of Education's data system. 55011

The remainder of appropriation item 200-446, Education 55012  
Management Information System, shall be used to develop and 55013  
support a common core of data definitions and standards as adopted 55014  
by the Education Data Advisory Council, including the ongoing 55015  
development and maintenance of the data dictionary and data 55016  
warehouse. In addition, such funds shall be used to support the 55017  
development and implementation of data standards and the design, 55018  
development, and implementation of a new data exchange system. 55019

Any provider of software meeting the standards approved by 55020  
the Education Data Advisory Council shall be designated as an 55021  
approved vendor and may enter into contracts with local school 55022  
districts, community schools, information technology centers, or 55023  
other educational entities for the purpose of collecting and 55024

managing data required under Ohio's education management 55025  
information system (EMIS) laws. On an annual basis, the Department 55026  
of Education shall convene an advisory group of school districts, 55027  
community schools, and other education-related entities to review 55028  
the Education Management Information System data definitions and 55029  
data format standards. The advisory group shall recommend changes 55030  
and enhancements based upon surveys of its members, education 55031  
agencies in other states, and current industry practices, to 55032  
reflect best practices, align with federal initiatives, and meet 55033  
the needs of school districts. 55034

School districts and community schools not implementing a 55035  
common and uniform set of data definitions and data format 55036  
standards for Education Management Information System purposes 55037  
shall have all EMIS funding withheld until they are in compliance. 55038

**Section 269.20.50. GED TESTING** 55039

The foregoing appropriation item 200-447, GED Testing, shall 55040  
be used to provide General Educational Development (GED) testing 55041  
at no cost to applicants, under rules adopted by the State Board 55042  
of Education. The Department of Education shall reimburse school 55043  
districts and community schools, created under Chapter 3314. of 55044  
the Revised Code, for a portion of the costs incurred in providing 55045  
summer instructional or intervention services to students who have 55046  
not graduated because of their inability to pass one or more parts 55047  
of the state's Ohio Graduation Test or ninth grade proficiency 55048  
test. School districts shall also provide such services to 55049  
students who are residents of the district under section 3313.64 55050  
of the Revised Code, but who are enrolled in chartered, nonpublic 55051  
schools. The services shall be provided in the public school, in 55052  
nonpublic schools, in public centers, or in mobile units located 55053  
on or off the nonpublic school premises. No school district shall 55054  
provide summer instructional or intervention services to nonpublic 55055

school students as authorized by this section unless such services 55056  
are available to students attending the public schools within the 55057  
district. No school district shall provide services for use in 55058  
religious courses, devotional exercises, religious training, or 55059  
any other religious activity. Chartered, nonpublic schools shall 55060  
pay for any unreimbursed costs incurred by school districts for 55061  
providing summer instruction or intervention services to students 55062  
enrolled in chartered, nonpublic schools. School districts may 55063  
provide these services to students directly or contract with 55064  
postsecondary or nonprofit community-based institutions in 55065  
providing instruction. 55066

**Section 269.20.60. EDUCATOR PREPARATION** 55067

The foregoing appropriation item 200-448, Educator 55068  
Preparation, may be used by the Department to support the Educator 55069  
Standards Board under section 3319.61 of the Revised Code as it 55070  
develops and recommends to the State Board of Education standards 55071  
for educator training and standards for teacher and other school 55072  
leadership positions. Any remaining funds may be used by the 55073  
Department to develop alternative preparation programs for school 55074  
leaders. 55075

**Section 269.20.70. COMMUNITY SCHOOLS** 55076

Of the foregoing appropriation item 200-455, Community 55077  
Schools, up to \$1,308,661 in each fiscal year may be used by the 55078  
Department of Education for additional services and 55079  
responsibilities under section 3314.11 of the Revised Code. 55080

Of the foregoing appropriation item 200-455, Community 55081  
Schools, up to \$225,000 in each fiscal year may be used by the 55082  
Department of Education for developing and conducting training 55083  
sessions for sponsors and prospective sponsors of community 55084  
schools as prescribed in division (A)(1) of section 3314.015 of 55085

the Revised Code. In developing the training sessions, the 55086  
Department shall collect and disseminate examples of best 55087  
practices used by sponsors of independent charter schools in Ohio 55088  
and other states. 55089

**Section 269.20.80. PUPIL TRANSPORTATION** 55090

Of the foregoing appropriation item 200-502, Pupil 55091  
Transportation, up to \$830,624 in fiscal year 2008 and up to 55092  
\$838,930 in fiscal year 2009 may be used by the Department of 55093  
Education for training prospective and experienced school bus 55094  
drivers in accordance with training programs prescribed by the 55095  
Department. Up to \$59,870,514 in fiscal year 2008 and up to 55096  
\$60,469,220 in fiscal year 2009 may be used by the Department of 55097  
Education for special education transportation reimbursements to 55098  
school districts and county MR/DD boards for transportation 55099  
operating costs as provided in division (J) of section 3317.024 of 55100  
the Revised Code. The remainder of appropriation item 200-502, 55101  
Pupil Transportation, shall be used for the state reimbursement of 55102  
public school districts' costs in transporting pupils to and from 55103  
the school they attend in accordance with the district's policy, 55104  
State Board of Education standards, and the Revised Code. 55105

Notwithstanding the distribution formula outlined in division 55106  
(D) of section 3317.022 of the Revised Code, each school district 55107  
shall receive an additional one per cent in state funding for 55108  
transportation in fiscal year 2008 over what was received in 55109  
fiscal year 2007, and the local share of transportation costs that 55110  
is used in the calculation of the charge-off supplement and excess 55111  
cost supplement for each school district in fiscal year 2008 shall 55112  
be increased by one per cent from that used in calculations in 55113  
fiscal year 2007. 55114

Notwithstanding the distribution formula outlined in division 55115  
(D) of section 3317.022 of the Revised Code, each school district 55116

shall receive an additional one per cent in state funding for 55117  
transportation in fiscal year 2009 over what was received in 55118  
fiscal year 2008, and the local share of transportation costs that 55119  
is used in the calculation of the charge-off supplement and excess 55120  
cost supplement for each school district in fiscal year 2009 shall 55121  
be increased by one per cent from that used in calculations in 55122  
fiscal year 2008. 55123

School districts not receiving state funding for 55124  
transportation in fiscal year 2005 under division (D) of section 55125  
3317.022 of the Revised Code shall not receive state funding for 55126  
transportation in fiscal year 2008 or fiscal year 2009. 55127

**Section 269.20.90. BUS PURCHASE ALLOWANCE** 55128

The foregoing appropriation item 200-503, Bus Purchase 55129  
Allowance, shall be distributed to school districts, educational 55130  
service centers, and county MR/DD boards pursuant to rules adopted 55131  
under section 3317.07 of the Revised Code. Up to 28 per cent of 55132  
the amount appropriated may be used to reimburse school districts 55133  
and educational service centers for the purchase of buses to 55134  
transport handicapped and nonpublic school students and to county 55135  
MR/DD boards, the Ohio School for the Deaf, and the Ohio School 55136  
for the Blind for the purchase of buses to transport handicapped 55137  
students. 55138

**SCHOOL LUNCH MATCH** 55139

The foregoing appropriation item 200-505, School Lunch Match, 55140  
shall be used to provide matching funds to obtain federal funds 55141  
for the school lunch program. 55142

**Section 269.30.10. ADULT LITERACY EDUCATION** 55143

The foregoing appropriation item 200-509, Adult Literacy 55144  
Education, shall be used to support adult basic and literacy 55145  
education instructional programs and the State Literacy Resource 55146

Center Program. 55147

Of the foregoing appropriation item 200-509, Adult Literacy 55148  
Education, up to \$488,037 in each fiscal year shall be used for 55149  
the support and operation of the State Literacy Resource Center. 55150

Of the foregoing appropriation item 200-509, Adult Literacy 55151  
Education, up to \$175,000 in each fiscal year shall be used for 55152  
state reimbursement to school districts for adult high school 55153  
continuing education programs under section 3313.531 of the 55154  
Revised Code or for costs associated with awarding adult high 55155  
school diplomas under section 3313.611 of the Revised Code. 55156

Of the foregoing appropriation item 200-509, Adult Literacy 55157  
Education, \$130,000 in each fiscal year shall be used to support 55158  
initiatives for English as a Second Language programs. Funding 55159  
shall be distributed as follows: \$60,000 in each fiscal year for 55160  
Jewish Community Federation of Cleveland, \$25,000 in each fiscal 55161  
year for Yassenoff Jewish Community Center of Columbus, \$30,000 in 55162  
each fiscal year for Jewish Family Services of Cincinnati, and 55163  
\$15,000 in each fiscal year for Jewish Family Services of Dayton. 55164

The remainder of the appropriation shall be used to continue 55165  
to satisfy the state match and maintenance of effort requirements 55166  
for the support and operation of the Department of 55167  
Education-administered instructional grant program for adult basic 55168  
and literacy education in accordance with the Department's state 55169  
plan for adult basic and literacy education as approved by the 55170  
State Board of Education and the Secretary of the United States 55171  
Department of Education. 55172

**Section 269.30.20. AUXILIARY SERVICES** 55173

The foregoing appropriation item 200-511, Auxiliary Services, 55174  
shall be used by the Department of Education for the purpose of 55175  
implementing section 3317.06 of the Revised Code. Of the 55176

appropriation, up to \$2,060,000 in fiscal year 2008 and up to 55177  
\$2,121,800 in fiscal year 2009 may be used for payment of the 55178  
Post-Secondary Enrollment Options Program for nonpublic students. 55179  
Notwithstanding section 3365.10 of the Revised Code, the 55180  
Department, in accordance with Chapter 119. of the Revised Code, 55181  
shall adopt rules governing the distribution method for these 55182  
funds. 55183

POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION 55184

Of the foregoing appropriation item 200-514, Postsecondary 55185  
Adult Career-Technical Education, \$40,000 in each fiscal year 55186  
shall be used for statewide coordination of the activities of the 55187  
Ohio Young Farmers. 55188

The remainder of appropriation item 200-514, Postsecondary 55189  
Adult Career-Technical Education, shall be used by the State Board 55190  
of Education to provide postsecondary adult career-technical 55191  
education under sections 3313.52 and 3313.53 of the Revised Code. 55192

**Section 269.30.30. GIFTED PUPIL PROGRAM** 55193

The foregoing appropriation item 200-521, Gifted Pupil 55194  
Program, shall be used for gifted education units not to exceed 55195  
1,110 in each fiscal year under division (L) of section 3317.024 55196  
and division (F) of section 3317.05 of the Revised Code. 55197

Of the foregoing appropriation item 200-521, Gifted Pupil 55198  
Program, up to \$4,747,000 in fiscal year 2008 and up to \$4,794,470 55199  
in fiscal year 2009 may be used as an additional supplement for 55200  
identifying gifted students under Chapter 3324. of the Revised 55201  
Code. 55202

Of the foregoing appropriation item 200-521, Gifted Pupil 55203  
Program, the Department of Education may expend up to \$1,015,858 55204  
in fiscal year 2008 and up to \$1,026,017 in fiscal year 2009 for 55205  
the Summer Honors Institute, including funding for the Martin 55206

Essex Program, which shall be awarded through a request for proposals process. 55207  
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NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 55209

The foregoing appropriation item 200-532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. 55210  
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**Section 269.30.40. OHIO CORE SUPPORT** 55214

The foregoing appropriation item 200-536, Ohio Core Support, shall be used to support implementation of the Ohio Core Program, which requires establishment of a rigorous high school curriculum for Ohio's high school students. The Department of Education and the Board of Regents shall jointly plan and work collaboratively to guide implementation of the Ohio Core Program and to administer funding to eligible school districts, fiscal agents, individuals, and programs as determined under this section. The Department of Education and the Board of Regents shall jointly agree to the awarding and expenditure of funds appropriated in this section. 55215  
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Of the foregoing appropriation item 200-536, Ohio Core Support, up to \$2,600,000 in fiscal year 2008 and up to \$3,000,000 in fiscal year 2009 shall be used to support the participation of teachers licensed in Ohio and mid-career professionals not currently employed by a school district or chartered nonpublic school or licensed to teach at the primary or secondary education levels in a twelve-month intensive training program that leads to teacher licensure in a laboratory-based science, advanced mathematics, or foreign language field at the secondary education level and employment with an Ohio school district school designated by the Department of Education as a hard to staff school. 55225  
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Of the foregoing appropriation item 200-536, Ohio Core 55237  
Support, up to \$1,500,000 in fiscal year 2008 and up to \$2,100,000 55238  
in fiscal year 2009 shall be used to support alternative teacher 55239  
licensure programs developed by educational service centers in 55240  
partnership with institutions of higher education. Participants 55241  
shall be teachers licensed in Ohio and mid-career professionals 55242  
not currently employed by a school district or chartered nonpublic 55243  
school or licensed to teach at the primary or secondary education 55244  
levels. Programs shall support teacher licensure in a 55245  
laboratory-based science, advanced mathematics, or foreign 55246  
language field at the secondary education level and employment 55247  
with an Ohio school district school designated by the Department 55248  
of Education as a hard to staff school. The programs shall be 55249  
consistent with the State Board of Education's alternative 55250  
licensure requirements. 55251

Of the foregoing appropriation item 200-536, Ohio Core 55252  
Support, up to \$3,600,000 in each fiscal year shall be distributed 55253  
to school districts, and to public fiscal agents on behalf of 55254  
chartered nonpublic schools, to be used to obtain contracted 55255  
instruction with institutions of higher education in advanced 55256  
mathematics, laboratory-based science, or foreign language for 55257  
public and chartered nonpublic high school students that results 55258  
in dual high school and college credit. Costs shall be based upon 55259  
reasonable expenses that institutions of higher education could 55260  
incur for faculty, supplies, and other associated costs. 55261

Of the foregoing appropriation item 200-536, Ohio Core 55262  
Support, up to \$6,425,000 in fiscal year 2009 shall be distributed 55263  
to public school districts for supplemental post-secondary 55264  
enrollment option participation. The Partnership for Continued 55265  
Learning shall make program recommendations by October 31, 2007, 55266  
to the Department of Education and the Board of Regents to remove 55267  
school district barriers to participation and improve the quality 55268

of course offerings, ensuring that credit earned at institutions 55269  
of higher education will apply toward high school graduation 55270  
requirements and associate or baccalaureate degree requirements. 55271  
Eligibility requirements and grant amounts awarded to school 55272  
districts in fiscal year 2009 for the program shall be determined 55273  
by criteria established by the Department of Education in 55274  
collaboration with the Board of Regents and the Partnership for 55275  
Continued Learning. 55276

**Section 269.30.50. SPECIAL EDUCATION ENHANCEMENTS** 55277

Of the foregoing appropriation item 200-540, Special 55278  
Education Enhancements, up to \$2,906,875 in each fiscal year shall 55279  
be used for home instruction for children with disabilities; up to 55280  
\$1,462,500 in each fiscal year shall be used for parent mentoring 55281  
programs; and up to \$2,783,396 in each fiscal year may be used for 55282  
school psychology interns. 55283

Of the foregoing appropriation item 200-540, Special 55284  
Education Enhancements, \$750,000 in each fiscal year shall be used 55285  
for the Out of School Initiative of Sinclair Community College. 55286

Of the foregoing appropriation item 200-540, Special 55287  
Education Enhancements, \$200,000 shall be used for a preschool 55288  
special education pilot program in Bowling Green City School 55289  
District. 55290

Of the foregoing appropriation item 200-540, Special 55291  
Education Enhancements, \$200,000 in each fiscal year shall be used 55292  
to support the Bellefaire Jewish Children's Bureau. 55293

Of the foregoing appropriation item 200-540, Special 55294  
Education Enhancements, up to \$82,707,558 in fiscal year 2008 and 55295  
up to \$83,371,505 in fiscal year 2009 shall be distributed by the 55296  
Department of Education to county boards of mental retardation and 55297  
developmental disabilities, educational service centers, and 55298

school districts for preschool special education units and 55299  
preschool supervisory units under section 3317.052 of the Revised 55300  
Code. The Department may reimburse county boards of mental 55301  
retardation and developmental disabilities, educational service 55302  
centers, and school districts for related services as defined in 55303  
rule 3301-51-11 of the Administrative Code, for preschool 55304  
occupational and physical therapy services provided by a physical 55305  
therapy assistant and certified occupational therapy assistant, 55306  
and for an instructional assistant. To the greatest extent 55307  
possible, the Department of Education shall allocate these units 55308  
to school districts and educational service centers. 55309

No physical therapy assistant who provides services under 55310  
this section shall fail to practice in accordance with the 55311  
requirements of Chapter 4755. of the Revised Code and rules 55312  
4755-27-02 and 4755-27-03 of the Administrative Code. No 55313  
occupational therapy assistant who provides services under this 55314  
section shall fail to practice in accordance with the requirements 55315  
of Chapter 4755. of the Revised Code and rules 4755-7-01 and 55316  
4755-7-03 of the Administrative Code. 55317

The Department of Education shall require school districts, 55318  
educational service centers, and county MR/DD boards serving 55319  
preschool children with disabilities to document child progress 55320  
using research-based indicators prescribed by the Department and 55321  
report results annually. The reporting dates and method shall be 55322  
determined by the Department. 55323

Of the foregoing appropriation item 200-540, Special 55324  
Education Enhancements, up to \$405,000 in each fiscal year shall 55325  
be used for the Collaborative Language and Literacy Instruction 55326  
Project. 55327

Of the foregoing appropriation item 200-540, Special 55328  
Education Enhancements, \$325,000 in each fiscal year shall be used 55329  
by the Ohio Center for Autism and Low Incidence to contract with 55330

the Delaware-Union Educational Service Center for the provision of 55331  
autism transition services. 55332

Of the foregoing appropriation item 200-540, Special 55333  
Education Enhancements, \$75,000 in each fiscal year shall be used 55334  
for Leaf Lake/Geauga Educational Assistance Funding. 55335

The remainder of appropriation item 200-540, Special 55336  
Education Enhancements, shall be used to fund special education 55337  
and related services at county boards of mental retardation and 55338  
developmental disabilities for eligible students under section 55339  
3317.20 of the Revised Code and at institutions for eligible 55340  
students under section 3317.201 of the Revised Code. 55341

**Section 269.30.60. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 55342

Of the foregoing appropriation item 200-545, Career-Technical 55343  
Education Enhancements, up to \$2,509,152 in fiscal year 2008 and 55344  
up to \$2,584,427 in fiscal year 2009 shall be used to fund 55345  
career-technical education units at institutions. 55346

Of the foregoing appropriation item 200-545, Career-Technical 55347  
Education Enhancements, up to \$2,621,507 in each fiscal year shall 55348  
be used by the Department of Education to fund competitive grants 55349  
to tech prep consortia that expand the number of students enrolled 55350  
in tech prep programs. These grant funds shall be used to directly 55351  
support expanded tech prep programs, including equipment, provided 55352  
to students enrolled in school districts, including joint 55353  
vocational school districts, and affiliated higher education 55354  
institutions. 55355

Of the foregoing appropriation item 200-545, Career-Technical 55356  
Education Enhancements, up to \$3,401,000 in each fiscal year shall 55357  
be used by the Department of Education to support existing High 55358  
Schools That Work (HSTW) sites, develop and support new sites, 55359  
fund technical assistance, and support regional centers and middle 55360

school programs. The purpose of HSTW is to combine challenging 55361  
academic courses and modern career-technical studies to raise the 55362  
academic achievement of students. HSTW provides intensive 55363  
technical assistance, focused staff development, targeted 55364  
assessment services, and ongoing communications and networking 55365  
opportunities. 55366

Of the foregoing appropriation item 200-545, Career-Technical 55367  
Education Enhancements, up to \$466,992 in each fiscal year shall 55368  
be allocated for the Ohio Career Information System (OCIS) and 55369  
used for the dissemination of career information data to public 55370  
schools, libraries, rehabilitation centers, two- and four-year 55371  
colleges and universities, and other governmental units. 55372

Of the foregoing appropriation item 200-545, Career-Technical 55373  
Educational Enhancements, up to \$300,000 in each fiscal year shall 55374  
be used by the Department of Education to enable students in 55375  
agricultural programs to enroll in a fifth quarter of instruction 55376  
based on the agricultural education model of delivering work-based 55377  
learning through supervised agricultural experience. The 55378  
Department of Education shall determine eligibility criteria and 55379  
the reporting process for the Agriculture 5th Quarter Project and 55380  
shall fund as many programs as possible given the set aside. 55381

**Section 269.30.70. FOUNDATION FUNDING** 55382

The foregoing appropriation item 200-550, Foundation Funding, 55383  
includes \$75,000,000 in each fiscal year for the state education 55384  
aid offset due to the change in public utility valuation as a 55385  
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 55386  
General Assembly. This amount represents the total state education 55387  
aid offset due to the valuation change for school districts and 55388  
joint vocational school districts from all relevant appropriation 55389  
line item sources. Upon certification by the Department of 55390  
Education, in consultation with the Department of Taxation, to the 55391

Director of Budget and Management of the actual state aid offset, 55392  
the cash transfer from Fund 053, appropriation item 200-900, 55393  
School District Property Tax Replacement - Utility, shall be 55394  
decreased or increased by the Director of Budget and Management to 55395  
match the certification in accordance with section 5727.84 of the 55396  
Revised Code. 55397

The foregoing appropriation item 200-550, Foundation Funding, 55398  
includes \$58,000,000 in fiscal year 2008 and \$145,000,000 in 55399  
fiscal year 2009 for the state education aid offset because of the 55400  
changes in tangible personal property valuation as a result of Am. 55401  
Sub. H.B. 66 of the 126th General Assembly. This amount represents 55402  
the total state education aid offset because of the valuation 55403  
change for school districts and joint vocational school districts 55404  
from all relevant appropriation item sources. Upon certification 55405  
by the Department of Education of the actual state education aid 55406  
offset to the Director of Budget and Management, the cash transfer 55407  
from Fund 047, appropriation item 200-909, School District 55408  
Property Tax Replacement - Business, shall be decreased or 55409  
increased by the Director of Budget and Management to match the 55410  
certification in accordance with section 5751.21 of the Revised 55411  
Code. 55412

Of the foregoing appropriation item 200-550, Foundation 55413  
Funding, up to \$425,000 shall be expended in each fiscal year for 55414  
court payments under section 2151.357 of the Revised Code; an 55415  
amount shall be available in each fiscal year to fund up to 225 55416  
full-time equivalent approved GRADS teacher grants under division 55417  
(N) of section 3317.024 of the Revised Code; an amount shall be 55418  
available in each fiscal year to make payments to school districts 55419  
under division (A)(3) of section 3317.022 of the Revised Code; an 55420  
amount shall be available in each fiscal year to make payments to 55421  
school districts under division (F) of section 3317.022 of the 55422  
Revised Code; and up to \$30,000,000 in each fiscal year shall be 55423

reserved for payments under sections 3317.026, 3317.027, and 55424  
3317.028 of the Revised Code except that the Controlling Board may 55425  
increase the \$30,000,000 amount if presented with such a request 55426  
from the Department of Education. 55427

Of the foregoing appropriation item 200-550, Foundation 55428  
Funding, up to \$19,770,000 in fiscal year 2008 and up to 55429  
\$20,545,200 in fiscal year 2009 shall be used to provide 55430  
additional state aid to school districts for special education 55431  
students under division (C)(3) of section 3317.022 of the Revised 55432  
Code, except that the Controlling Board may increase these amounts 55433  
if presented with such a request from the Department of Education 55434  
at the final meeting of the fiscal year; up to \$2,000,000 in each 55435  
fiscal year shall be reserved for Youth Services tuition payments 55436  
under section 3317.024 of the Revised Code; and up to \$52,000,000 55437  
in each fiscal year shall be reserved to fund the state 55438  
reimbursement of educational service centers under section 3317.11 55439  
of the Revised Code and the section of this act entitled 55440  
"EDUCATIONAL SERVICE CENTERS FUNDING." An amount shall be 55441  
available for special education weighted funding under division 55442  
(C)(1) of section 3317.022 and division (D)(1) of section 3317.16 55443  
of the Revised Code. 55444

Of the foregoing appropriation item 200-550, Foundation 55445  
Funding, an amount shall be available in each fiscal year to be 55446  
used by the Department of Education for transitional aid for 55447  
school districts and joint vocational school districts. Funds 55448  
shall be distributed under the sections of this act entitled 55449  
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 55450  
DISTRICTS" and "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 55451  
DISTRICTS." 55452

Of the foregoing appropriation item 200-550, Foundation 55453  
Funding, up to \$1,000,000 in each fiscal year shall be used by the 55454  
Department of Education for a program to pay for educational 55455

services for youth who have been assigned by a juvenile court or 55456  
other authorized agency to any of the facilities described in 55457  
division (A) of the section of this act entitled "PRIVATE 55458  
TREATMENT FACILITY PROJECT." 55459

Of the foregoing appropriation item 200-550, Foundation 55460  
Funding, up to \$3,700,000 in each fiscal year shall be used for 55461  
school breakfast programs. Of this amount, up to \$900,000 shall be 55462  
used in each fiscal year by the Department of Education to 55463  
contract with the Children's Hunger Alliance to expand access to 55464  
child nutrition programs consistent with the organization's 55465  
continued ability to meet specified performance measures as 55466  
detailed in the contract. Of this amount, the Children's Hunger 55467  
Alliance shall use at least \$150,000 in each fiscal year to 55468  
subcontract with an appropriate organization or organizations to 55469  
expand summer food participation in underserved areas of the 55470  
state, consistent with those organizations' continued ability to 55471  
meet specified performance measures as detailed in the 55472  
subcontracts. The remainder of the appropriation shall be used to 55473  
partially reimburse school buildings within school districts that 55474  
are required to have a school breakfast program under section 55475  
3313.813 of the Revised Code, at a rate decided by the Department. 55476

Of the foregoing appropriation item 200-550, Foundation 55477  
Funding, up to \$8,686,000 in fiscal year 2008 and up to \$8,722,860 55478  
in fiscal year 2009 shall be used to operate the school choice 55479  
program in the Cleveland Municipal School District under sections 55480  
3313.974 to 3313.979 of the Revised Code. 55481

Of the portion of the funds distributed to the Cleveland 55482  
Municipal School District under this section, up to \$11,901,887 in 55483  
each fiscal year shall be used to operate the school choice 55484  
program in the Cleveland Municipal School District under sections 55485  
3313.974 to 3313.979 of the Revised Code. 55486

Of the foregoing appropriation item 200-550, Foundation 55487

Funding, \$2,400,000 in fiscal year 2008 and \$2,700,000 in fiscal 55488  
year 2009 shall be used in conjunction with funding appropriated 55489  
under appropriation item 200-408, Early Childhood Education, to 55490  
pay the costs of early childhood education programs under Section 55491  
269.10.20 of this act. 55492

The remaining portion of appropriation item 200-550, 55493  
Foundation Funding, shall be expended for the public schools of 55494  
city, local, exempted village, and joint vocational school 55495  
districts, including base-cost funding, special education speech 55496  
service enhancement funding, career-technical education weight 55497  
funding, career-technical education associated service funding, 55498  
teacher training and experience funding, charge-off supplement, 55499  
and excess cost supplement under sections 3317.022, 3317.023, 55500  
3317.0216, and 3317.16 of the Revised Code. 55501

Appropriation items 200-502, Pupil Transportation, 200-521, 55502  
Gifted Pupil Program, 200-540, Special Education Enhancements, and 55503  
200-550, Foundation Funding, other than specific set-asides, are 55504  
collectively used in each fiscal year to pay state formula aid 55505  
obligations for school districts and joint vocational school 55506  
districts under Chapter 3317. of the Revised Code. The first 55507  
priority of these appropriation items, with the exception of 55508  
specific set-asides, is to fund state formula aid obligations 55509  
under Chapter 3317. of the Revised Code. It may be necessary to 55510  
reallocate funds among these appropriation items or use excess 55511  
funds from other general revenue fund appropriation items in the 55512  
Department of Education's budget in each fiscal year, in order to 55513  
meet state formula aid obligations. If it is determined that it is 55514  
necessary to transfer funds among these appropriation items or to 55515  
transfer funds from other General Revenue Fund appropriations in 55516  
the Department of Education's budget to meet state formula aid 55517  
obligations, the Department of Education shall seek approval from 55518  
the Controlling Board to transfer funds as needed. 55519

<b>Section 269.30.80. TRANSITIONAL AID FOR CITY, LOCAL, AND</b>	55520
<b>EXEMPTED VILLAGE SCHOOL DISTRICTS</b>	55521
(A) The Department of Education shall distribute funds within	55522
appropriation item 200-550, Foundation Funding, for transitional	55523
aid in each fiscal year to each qualifying city, local, and	55524
exempted village school district.	55525
For fiscal years 2008 and 2009, the Department shall pay	55526
transitional aid to each city, local, or exempted village school	55527
district that experiences any decrease in its SF-3 funding for the	55528
current fiscal year from its transitional aid guarantee base for	55529
the current fiscal year. The amount of the transitional aid	55530
payment shall equal the difference between the district's SF-3	55531
funding for the current fiscal year and its transitional aid	55532
guarantee base for the current fiscal year.	55533
(B)(1) Subject to divisions (B)(3) and (4) of this section,	55534
the transitional aid guarantee base for each city, local, and	55535
exempted village school district for fiscal year 2008 equals the	55536
sum of the following as computed for fiscal year 2007, as	55537
determined based on the final reconciliation of data by the	55538
Department:	55539
(a) Base-cost funding under division (A) of section 3317.022	55540
of the Revised Code;	55541
(b) Special education and related services additional	55542
weighted funding under division (C)(1) of section 3317.022 of the	55543
Revised Code;	55544
(c) Speech services funding under division (C)(4) of section	55545
3317.022 of the Revised Code;	55546
(d) Vocational education additional weighted funding under	55547
division (E) of section 3317.022 of the Revised Code;	55548
(e) GRADS funding under division (N) of section 3317.024 of	55549

the Revised Code;	55550
(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	55551 55552 55553
(g) Poverty-Based Assistance under section 3317.029 of the Revised Code;	55554 55555
(h) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;	55556 55557
(i) Transportation under Section 206.09.21 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended;	55558 55559
(j) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	55560 55561
(k) Parity aid under section 3317.0217 of the Revised Code;	55562
(l) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	55563 55564
(m) The charge-off supplement under section 3317.0216 of the Revised Code;	55565 55566
(n) Transitional aid under Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended.	55567 55568
(2) Subject to divisions (B)(3) and (4) of this section, the transitional aid guarantee base for each city, local, and exempted village school district for fiscal year 2009 equals the sum of the following as computed for fiscal year 2008, as determined based on the final reconciliation of data by the Department:	55569 55570 55571 55572 55573
(a) Base-cost funding under division (A) of section 3317.022 of the Revised Code;	55574 55575
(b) Special education and related services additional weighted funding under division (C)(1) of section 3317.022 of the Revised Code;	55576 55577 55578

(c) Speech services funding under division (C)(4) of section 3317.022 of the Revised Code;	55579 55580
(d) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code;	55581 55582
(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;	55583 55584
(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	55585 55586 55587
(g) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;	55588 55589
(h) Transportation under the section of this act entitled "PUPIL TRANSPORTATION";	55590 55591
(i) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	55592 55593
(j) The charge-off supplement under section 3317.0216 of the Revised Code;	55594 55595
(k) Transitional aid under this section.	55596
(3) The SF-3 funding for each fiscal year for each district is the sum of the amounts specified in divisions (B)(2)(a) to (k) of this section less any general revenue fund spending reductions ordered by the Governor under section 126.05 of the Revised Code.	55597 55598 55599 55600
(4) Notwithstanding divisions (B)(1) and (2) of this section, if the Superintendent of Public Instruction determines that the transitional aid guarantee base for a given fiscal year reflects an error in formula ADM, the Superintendent may consult with the Director of Budget and Management, and then adjust the transitional aid guarantee base for that fiscal year.	55601 55602 55603 55604 55605 55606
<b>Section 269.30.90. TRANSITIONAL AID FOR JOINT VOCATIONAL</b>	55607

SCHOOL DISTRICTS 55608

(A) The Department of Education shall distribute funds within 55609  
appropriation item 200-550, Foundation Funding, for transitional 55610  
aid in each fiscal year to each joint vocational school district 55611  
that experiences a decrease in its joint vocational funding for 55612  
the current fiscal year from the previous fiscal year. The 55613  
Department shall distribute to each such district transitional aid 55614  
in an amount equal to the decrease in the district's joint 55615  
vocational funding from the previous fiscal year. 55616

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 55617  
district's joint vocational funding equals the sum of the 55618  
following: 55619

(a) Base-cost funding under division (B) of section 3317.16 55620  
of the Revised Code; 55621

(b) Special education and related services additional 55622  
weighted funding under division (D)(1) of section 3317.16 of the 55623  
Revised Code; 55624

(c) Speech services funding under division (D)(2) of section 55625  
3317.16 of the Revised Code; 55626

(d) Vocational education additional weighted funding under 55627  
division (C) of section 3317.16 of the Revised Code; 55628

(e) GRADS funding under division (N) of section 3317.024 of 55629  
the Revised Code. 55630

(2) For purposes of calculating transitional aid for fiscal 55631  
year 2008, a district's fiscal year 2007 joint vocational funding 55632  
is the sum of the amounts described in divisions (B)(1)(a) to (e) 55633  
of this section, plus any transitional aid paid to the district 55634  
under Section 206.09.42 of Am. Sub. H.B. 66 of the 126th General 55635  
Assembly, as subsequently amended, that the district actually 55636  
received for fiscal year 2007, as determined based on the final 55637

reconciliation of data by the Department. For purposes of 55638  
calculating transitional aid for fiscal year 2009, a district's 55639  
fiscal year 2008 joint vocational funding is the sum of the 55640  
amounts described in divisions (B)(1)(a) to (e) of this section, 55641  
plus any transitional aid paid to the district under this section, 55642  
that the district actually received for fiscal year 2008, as 55643  
determined based on the final reconciliation of data by the 55644  
Department. 55645

(3) The joint vocational funding for each fiscal year for 55646  
each district is the sum of the amounts specified in divisions 55647  
(B)(1)(a) to (e) and (B)(2) of this section less any general 55648  
revenue fund spending reductions ordered by the Governor under 55649  
section 126.05 of the Revised Code. 55650

**Section 269.40.10. LITERACY IMPROVEMENT-CLASSROOM GRANTS** 55651

The foregoing appropriation item 200-566, Literacy 55652  
Improvement-Classroom Grants, shall be disbursed by the Department 55653  
of Education to provide reading improvement grants to public 55654  
schools in city, local, and exempted village school districts; 55655  
community schools; and educational service centers serving 55656  
kindergarten through twelfth grade students to help struggling 55657  
students improve their reading skills, improve reading outcomes in 55658  
low-performing schools, and help close achievement gaps. 55659

**VIOLENCE PREVENTION AND SCHOOL SAFETY** 55660

Of the foregoing appropriation item 200-578, Violence 55661  
Prevention and School Safety, up to \$224,250 in each fiscal year 55662  
shall be used to fund a safe school center to provide resources 55663  
for parents and for school and law enforcement personnel. 55664

The remainder of the appropriation shall be distributed based 55665  
on guidelines developed by the Department of Education to enhance 55666  
school safety. The guidelines shall provide a list of 55667

research-based best practices and programs from which local 55668  
grantees shall select based on local needs. These practices shall 55669  
include, but not be limited to, school resource officers and safe 55670  
and drug free school coordinators and social-emotional development 55671  
programs. 55672

**Section 269.40.20. PROPERTY TAX ALLOCATION - EDUCATION** 55673

The Superintendent of Public Instruction shall not request, 55674  
and the Controlling Board shall not approve, the transfer of funds 55675  
from appropriation item 200-901, Property Tax Allocation - 55676  
Education, to any other appropriation item. 55677

The appropriation item 200-901, Property Tax Allocation - 55678  
Education, is appropriated to pay for the state's costs incurred 55679  
because of the homestead exemption and the property tax rollback. 55680  
In cooperation with the Department of Taxation, the Department of 55681  
Education shall distribute these funds directly to the appropriate 55682  
school districts of the state, notwithstanding sections 321.24 and 55683  
323.156 of the Revised Code, which provide for payment of the 55684  
homestead exemption and property tax rollback by the Tax 55685  
Commissioner to the appropriate county treasurer and the 55686  
subsequent redistribution of these funds to the appropriate local 55687  
taxing districts by the county auditor. 55688

Appropriation item 200-906, Tangible Tax Exemption - 55689  
Education, is appropriated to pay for the state's costs incurred 55690  
because of the tangible personal property tax exemption required 55691  
by division (C)(3) of section 5709.01 of the Revised Code. In 55692  
cooperation with the Department of Taxation, the Department of 55693  
Education shall distribute to each county treasurer the total 55694  
amount appearing in the notification from the county treasurer 55695  
under division (G) of section 321.24 of the Revised Code, for all 55696  
school districts located in the county, notwithstanding section 55697  
321.24 of the Revised Code insofar as it provides for payment of 55698

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 269.40.30. 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 55729  
to remain solvent under section 3316.20 of the Revised Code. 55730  
Assistance and grants shall be subject to approval by the 55731  
Controlling Board. Any required reimbursements from school 55732  
districts for solvency assistance shall be made to the appropriate 55733  
account in the School District Solvency Assistance Fund (Fund 55734  
5H3). 55735

Notwithstanding any provision of law to the contrary, upon 55736  
the request of the Superintendent of Public Instruction, the 55737  
Director of Budget and Management may make transfers to the School 55738  
District Solvency Assistance Fund (Fund 5H3) from any Department 55739  
of Education-administered fund or the General Revenue Fund to 55740  
maintain sufficient cash balances in the School District Solvency 55741  
Assistance Fund (Fund 5H3) in fiscal years 2008 and 2009. Any 55742  
funds transferred are hereby appropriated. The transferred funds 55743  
may be used by the Department of Education to provide assistance 55744  
and grants to school districts to enable them to remain solvent 55745  
and to pay unforeseeable expenses of a temporary or emergency 55746  
nature that the school district is unable to pay from existing 55747  
resources. The Director of Budget and Management shall notify the 55748  
members of the Controlling Board of any such transfers. 55749

**Section 269.40.40. READING FIRST** 55750

The foregoing appropriation item 200-632, Reading First, 55751  
shall be used by school districts to administer federal diagnostic 55752  
tests as well as other functions permitted by federal statute. 55753  
Notwithstanding section 3301.079 of the Revised Code, federal 55754  
diagnostic tests may be recognized as meeting the state diagnostic 55755  
testing requirements outlined in section 3301.079 of the Revised 55756  
Code. 55757

**IMPROVING TEACHER QUALITY** 55758

For fiscal years 2008 and 2009, the Department of Education 55759

shall provide funding to the Ohio Wyami Appalachian Teacher Cohorts Program under the Columbiana County Educational Service Center to provide teacher professional development in Ohio's Appalachian counties. The program shall provide professional development that is based on a review of scientifically based research and is expected to improve student academic achievement as required by Title II of the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6612 et seq., for approximately eighty public and charter nonpublic teachers from Ohio's Appalachian counties each year. The Department of Education shall provide \$900,000 in federal grant funds from the State Grants for Improving Teacher Quality Program to the Columbiana County Educational Service Center for this purpose. The Center shall not expend these funds outside of Ohio.

HALF-MILL MAINTENANCE EQUALIZATION

The foregoing appropriation item 200-626, Half-Mill Maintenance Equalization, shall be used to make payments pursuant to section 3318.18 of the Revised Code.

**Section 269.40.50. START-UP FUNDS**

Funds appropriated for the purpose of providing start-up grants to Title IV-A Head Start and Title IV-A Head Start Plus agencies in fiscal year 2004 and fiscal year 2005 for the provision of services to children eligible for Title IV-A services under the Title IV-A Head Start or Title IV-A Head Start Plus programs shall be reimbursed to the General Revenue Fund as follows:

(A) If, for fiscal year 2008, an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency will not be an early learning agency or early learning provider, the entity shall repay the entire amount of the start-up grant it received in fiscal year 2004 and fiscal year 2005 not later than June 30,

2009, in accordance with a payment schedule agreed to by the 55791  
Department of Education. 55792

(B) If an entity that was a Title IV-A Head Start or Title 55793  
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 55794  
2005 will be an early learning agency or early learning provider 55795  
in fiscal year 2008 and fiscal year 2009, the entity shall be 55796  
allowed to retain any amount of the start-up grant it received. 55797

(C) Within ninety days after the effective date of this 55798  
section, the Title IV-A Head Start agencies, Title IV-A Head Start 55799  
Plus agencies, and the Department of Education shall determine the 55800  
repayment schedule for amounts owed under division (A) of this 55801  
section. These amounts shall be paid to the state not later than 55802  
June 30, 2009. 55803

(D) If an entity that was a Title IV-A Head Start or Title 55804  
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 55805  
2005 owed the state any portion of the start-up grant amount 55806  
during fiscal year 2006 or fiscal year 2007 but failed to repay 55807  
the entire amount of the obligation by June 30, 2007, the entity 55808  
shall be given an extension for repayment through June 30, 2009, 55809  
before any amounts remaining due and payable to the state are 55810  
referred to the Attorney General for collection under section 55811  
131.02 of the Revised Code. 55812

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus 55813  
start-up grants that are retained by early learning agencies or 55814  
early learning providers pursuant to this section shall be 55815  
reimbursed to the General Revenue Fund when the early learning 55816  
program ceases or is no longer funded from Title IV-A or if an 55817  
early learning agency's or early learning provider's participation 55818  
in the early learning program ceases or is terminated. 55819

**Section 269.40.60. AUXILIARY SERVICES REIMBURSEMENT 55820**

Notwithstanding section 3317.064 of the Revised Code, if the 55821  
unobligated cash balance is sufficient, the Treasurer of State 55822  
shall transfer \$1,500,000 in fiscal year 2008 within thirty days 55823  
after the effective date of this section, and \$1,500,000 in fiscal 55824  
year 2009 by August 1, 2008, from the Auxiliary Services Personnel 55825  
Unemployment Compensation Fund to the Department of Education's 55826  
Auxiliary Services Reimbursement Fund (Fund 598). 55827

**Section 269.40.70. LOTTERY PROFITS EDUCATION FUND** 55828

Appropriation item 200-612, Foundation Funding (Fund 017), 55829  
shall be used in conjunction with appropriation item 200-550, 55830  
Foundation Funding (GRF), to provide payments to school districts 55831  
under Chapter 3317. of the Revised Code. 55832

The Department of Education, with the approval of the 55833  
Director of Budget and Management, shall determine the monthly 55834  
distribution schedules of appropriation item 200-550, Foundation 55835  
Funding (GRF), and appropriation item 200-612, Foundation Funding 55836  
(Fund 017). If adjustments to the monthly distribution schedule 55837  
are necessary, the Department of Education shall make such 55838  
adjustments with the approval of the Director of Budget and 55839  
Management. 55840

The Director of Budget and Management shall transfer via 55841  
intrastate transfer voucher the amount appropriated under the 55842  
Lottery Profits Education Fund for appropriation item 200-682, 55843  
Lease Rental Payment Reimbursement, to the General Revenue Fund on 55844  
a schedule determined by the director. These funds shall support 55845  
the appropriation item 230-428, Lease Rental Payments (GRF), of 55846  
the School Facilities Commission. 55847

**Section 269.40.80. LOTTERY PROFITS EDUCATION RESERVE FUND** 55848

(A) There is hereby created the Lottery Profits Education 55849  
Reserve Fund (Fund 018) in the State Treasury. Investment earnings 55850

of the Lottery Profits Education Reserve Fund shall be credited to 55851  
the fund. The Superintendent of Public Instruction may certify 55852  
cash balances exceeding \$75,000,000 in the Lottery Profits 55853  
Education Reserve Fund (Fund 018) to the Director of Budget and 55854  
Management in June of any given fiscal year. Prior to making the 55855  
certification, the Superintendent of Public Instruction shall 55856  
determine whether the funds above the \$75,000,000 threshold are 55857  
needed to help pay for foundation program obligations for that 55858  
fiscal year under Chapter 3317. of the Revised Code. If those 55859  
funds are needed for the foundation program, the Superintendent of 55860  
Public Instruction shall notify and consult with the Director of 55861  
Budget and Management to determine the amount that may be 55862  
transferred to the Public School Building Fund (Fund 021). Upon 55863  
this determination, the Director of Budget and Management shall 55864  
transfer the amount from the Lottery Profits Education Reserve 55865  
Fund (Fund 018) to the Public School Building Fund (Fund 021). The 55866  
amount transferred is hereby appropriated to appropriation item 55867  
CAP-622, Public School Buildings. 55868

For fiscal years 2008 and 2009, notwithstanding any 55869  
provisions of law to the contrary, amounts necessary to make loans 55870  
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 55871  
Revised Code are hereby appropriated to the Lottery Profits 55872  
Education Reserve Fund (Fund 018). Loan repayments from loans made 55873  
in previous years shall be deposited to the fund. 55874

(B) On July 15, 2007, or as soon as possible thereafter, the 55875  
Director of the Ohio Lottery Commission shall certify to the 55876  
Director of Budget and Management the amount by which lottery 55877  
profit transfers received by the Lottery Profits Education Fund 55878  
(Fund 017) exceeded \$637,900,000 in fiscal year 2007. The Director 55879  
of Budget and Management shall transfer the amount so certified, 55880  
plus the cash balance in Fund 017, to the General Revenue Fund to 55881  
support appropriation item 200-550, Foundation Funding. 55882

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(C) On July 15, 2008, 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 \$657,900,000 in fiscal year 2008. The Director  
of Budget and Management may transfer the amount so certified,  
plus the cash balance in Fund 017, to the Lottery Profits  
Education Reserve Fund (Fund 018) or to the General Revenue Fund  
to support appropriation item 200-550, Foundation Funding.

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(D) Any amounts transferred under division (B) or (C) of this  
section may be made available by the Controlling Board in fiscal  
years 2008 or 2009, 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.

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**Section 269.40.90.** GENERAL REVENUE FUND TRANSFERS TO SCHOOL  
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 047)

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Notwithstanding any provision of law to the contrary, in  
fiscal year 2008 and fiscal year 2009 the Director of Budget and  
Management may make temporary transfers between the General  
Revenue Fund and the School District Property Tax Replacement -  
Business Fund (Fund 047) in the Department of Education to ensure  
sufficient balances in the School District Property Tax  
Replacement - Business Fund (Fund 047) and to replenish the  
General Revenue Fund for such transfers.

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**Section 269.50.10.** SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 55912

BUSINESS 55913

The foregoing appropriation item, 200-909, School District 55914  
Property Tax Replacement - Business, in Fund 047, shall be used by 55915  
the Department of Education, in consultation with the Department 55916  
of Taxation, to make payments to school districts and joint 55917  
vocational school districts under section 5751.21 of the Revised 55918  
Code. If it is determined by the Director of Budget and Management 55919  
that additional appropriations are necessary for this purpose, 55920  
such amounts are hereby appropriated. 55921

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 55922

The foregoing appropriation item 200-900, School District 55923  
Property Tax Replacement-Utility, in Fund 053, shall be used by 55924  
the Department of Education, in consultation with the Department 55925  
of Taxation, to make payments to school districts and joint 55926  
vocational school districts under section 5727.85 of the Revised 55927  
Code. 55928

**\*Section 269.50.20.** DISTRIBUTION FORMULAS 55929

The Department of Education shall report the following to the 55930  
Director of Budget and Management and the Legislative Service 55931  
Commission: 55932

(A) Changes in formulas for distributing state 55933  
appropriations, including administratively defined formula 55934  
factors; 55935

(B) Discretionary changes in formulas for distributing 55936  
federal appropriations; 55937

(C) Federally mandated changes in formulas for distributing 55938  
federal appropriations. 55939

Any such changes shall be reported two weeks prior to the 55940  
effective date of the change. 55941

<b>Section 269.50.30. EDUCATIONAL SERVICE CENTERS FUNDING</b>	55942
(A) As used in this section:	55943
(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	55944 55945
(2) "Service center ADM" has the same meaning as in section 3317.11 of the Revised Code.	55946 55947
(B) Notwithstanding division (F) of section 3317.11 of the Revised Code, no funds shall be provided under that division to an educational service center in either fiscal year for any pupils of a city or exempted village school district unless an agreement to provide services under section 3313.843 of the Revised Code was entered into by January 1, 1997, except that funds shall be provided to an educational service center for any pupils of a city school district if the agreement to provide services was entered into within one year of the date upon which such district changed from a local school district to a city school district.	55948 55949 55950 55951 55952 55953 55954 55955 55956 55957
(C) Notwithstanding any provision of the Revised Code to the contrary, an educational service center that sponsors a community school under Chapter 3314. of the Revised Code in either fiscal year may include the students of that community school in its service center ADM for purposes of state funding under division (F) of section 3317.11 of the Revised Code, unless the community school is an Internet- or computer-based community school. A service center shall include the community school students in its service center ADM only to the extent that the students are not already so included, and only in accordance with guidelines issued by the Department of Education. If the students of a community school sponsored by an educational service center are included in the service center ADM of another educational service center, those students shall be removed from the service center ADM of the other educational service center and added to the service center	55958 55959 55960 55961 55962 55963 55964 55965 55966 55967 55968 55969 55970 55971 55972

ADM of the community school's sponsoring service center. The 55973  
General Assembly authorizes this procedure as an incentive for 55974  
educational service centers to take over sponsorship of community 55975  
schools from the State Board of Education as the State Board's 55976  
sponsorship is phased out in accordance with Sub. H.B. 364 of the 55977  
124th General Assembly. No student of an Internet- or 55978  
computer-based community school shall be counted in the service 55979  
center ADM of any educational service center. The Department shall 55980  
pay educational service centers under division (F) of section 55981  
3317.11 of the Revised Code for community school students included 55982  
in their service center ADMs under this division only if 55983  
sufficient funds earmarked within appropriation item 200-550, 55984  
Foundation Funding, for payments under that division remain after 55985  
first paying for students attributable to their local and client 55986  
school districts, in accordance with divisions (B) and (D) of this 55987  
section. 55988

(D) If insufficient funds are earmarked within appropriation 55989  
item 200-550, Foundation Funding, for payments under division (F) 55990  
of section 3317.11 of the Revised Code and division (C) of this 55991  
section in fiscal year 2008 or fiscal year 2009, the Department 55992  
shall prioritize the distribution of the earmarked funds as 55993  
follows: 55994

(1) The Department shall first distribute to each educational 55995  
service center the per-student amount specified in division (F) of 55996  
section 3317.11 of the Revised Code for each student in its 55997  
service center ADM attributable to the local school districts 55998  
within the service center's territory. 55999

(2) The Department shall distribute the remaining funds in 56000  
each fiscal year to each educational service center for the 56001  
students in its service center ADM attributable to each city and 56002  
exempted village school district that had entered into an 56003  
agreement with an educational service center for that fiscal year 56004

under section 3313.843 of the Revised Code by January 1, 1997, up 56005  
to the per-student amount specified in division (F) of section 56006  
3317.11 of the Revised Code. If insufficient funds remain to pay 56007  
each service center the full amount specified in division (F) of 56008  
that section for each such student, the Department shall 56009  
distribute the remaining funds to each service center 56010  
proportionally, on a per-student basis for each such student, 56011  
unless that proportional per-student amount exceeds the amount 56012  
specified in division (F)(1) of that section. In that case, the 56013  
Department shall distribute the per-student amount specified in 56014  
division (F)(1) of that section to each service center for each 56015  
such student and shall distribute the remainder proportionally, on 56016  
a per-student basis for each such student, to the multi-county 56017  
service centers described in division (F)(2) of that section. 56018

(3) If the Department has paid each service center under 56019  
divisions (D)(1) and (2) of this section, the full amount 56020  
specified in division (F) of section 3317.11 of the Revised Code 56021  
for each student attributable to its local school districts and 56022  
its client school districts described in division (D)(2) of this 56023  
section the Department shall distribute any remaining funds 56024  
proportionally, on a per-student basis, to each service center 56025  
that sponsors a community school, other than an Internet- or 56026  
computer-based community school, for the students included in the 56027  
service center ADM under division (C) of this section. These 56028  
payments shall not exceed per student the amount specified in 56029  
division (F) of section 3317.11 of the Revised Code. 56030

**\*Section 269.50.40.** For the school year commencing July 1, 56031  
2007, or the school year commencing July 1, 2008, or both, the 56032  
Superintendent of Public Instruction may waive for the board of 56033  
education of any school district the ratio of teachers to pupils 56034  
in kindergarten through fourth grade required under paragraph 56035  
(A)(3) of rule 3301-35-05 of the Administrative Code if the 56036

following conditions apply:	56037
(A) The board of education requests the waiver.	56038
(B) After the Department of Education conducts an on-site evaluation of the district related to meeting the required ratio, the board of education demonstrates to the satisfaction of the Superintendent of Public Instruction that providing the facilities necessary to meet the required ratio during the district's regular school hours with pupils in attendance would impose an extreme hardship on the district.	56039 56040 56041 56042 56043 56044 56045
(C) The board of education provides assurances that are satisfactory to the Superintendent of Public Instruction that the board will act in good faith to meet the required ratio as soon as possible.	56046 56047 56048 56049
<b>Section 269.50.50. PRIVATE TREATMENT FACILITY PROJECT</b>	56050
(A) As used in this section:	56051
(1) The following are "participating residential treatment centers":	56052 56053
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2008 or fiscal year 2009 or both, the Department pays through appropriation item 470-401, Care and Custody;	56054 56055 56056 56057 56058 56059
(b) Abraxas, in Shelby;	56060
(c) Paint Creek, in Bainbridge;	56061
(d) Act One, in Akron;	56062
(e) Friars Club, in Cincinnati.	56063
(2) "Education program" means an elementary or secondary education program or a special education program and related	56064 56065

services. 56066

(3) "Served child" means any child receiving an education 56067  
program pursuant to division (B) of this section. 56068

(4) "School district responsible for tuition" means a city, 56069  
exempted village, or local school district that, if tuition 56070  
payment for a child by a school district is required under law 56071  
that existed in fiscal year 1998, is the school district required 56072  
to pay that tuition. 56073

(5) "Residential child" means a child who resides in a 56074  
participating residential treatment center and who is receiving an 56075  
educational program under division (B) of this section. 56076

(B) A youth who is a resident of the state and has been 56077  
assigned by a juvenile court or other authorized agency to a 56078  
residential treatment facility specified in division (A) of this 56079  
section shall be enrolled in an approved educational program 56080  
located in or near the facility. Approval of the educational 56081  
program shall be contingent upon compliance with the criteria 56082  
established for such programs by the Department of Education. The 56083  
educational program shall be provided by a school district or 56084  
educational service center, or by the residential facility itself. 56085  
Maximum flexibility shall be given to the residential treatment 56086  
facility to determine the provider. In the event that a voluntary 56087  
agreement cannot be reached and the residential facility does not 56088  
choose to provide the educational program, the educational service 56089  
center in the county in which the facility is located shall 56090  
provide the educational program at the treatment center to 56091  
children under twenty-two years of age residing in the treatment 56092  
center. 56093

(C) Any school district responsible for tuition for a 56094  
residential child shall, notwithstanding any conflicting provision 56095  
of the Revised Code regarding tuition payment, pay tuition for the 56096

child for fiscal year 2008 and fiscal year 2009 to the education 56097  
program provider and in the amount specified in this division. If 56098  
there is no school district responsible for tuition for a 56099  
residential child and if the participating residential treatment 56100  
center to which the child is assigned is located in the city, 56101  
exempted village, or local school district that, if the child were 56102  
not a resident of that treatment center, would be the school 56103  
district where the child is entitled to attend school under 56104  
sections 3313.64 and 3313.65 of the Revised Code, that school 56105  
district, notwithstanding any conflicting provision of the Revised 56106  
Code, shall pay tuition for the child for fiscal year 2008 and 56107  
fiscal year 2009 under this division unless that school district 56108  
is providing the educational program to the child under division 56109  
(B) of this section. 56110

A tuition payment under this division shall be made to the 56111  
school district, educational service center, or residential 56112  
treatment facility providing the educational program to the child. 56113

The amount of tuition paid shall be: 56114

(1) The amount of tuition determined for the district under 56115  
division (A) of section 3317.08 of the Revised Code; 56116

(2) In addition, for any student receiving special education 56117  
pursuant to an individualized education program as defined in 56118  
section 3323.01 of the Revised Code, a payment for excess costs. 56119  
This payment shall equal the actual cost to the school district, 56120  
educational service center, or residential treatment facility of 56121  
providing special education and related services to the student 56122  
pursuant to the student's individualized education program, minus 56123  
the tuition paid for the child under division (C)(1) of this 56124  
section. 56125

A school district paying tuition under this division shall 56126  
not include the child for whom tuition is paid in the district's 56127

average daily membership certified under division (A) of section 56128  
3317.03 of the Revised Code. 56129

(D) In each of fiscal years 2008 and 2009, the Department of 56130  
Education shall reimburse, from appropriations made for the 56131  
purpose, a school district, educational service center, or 56132  
residential treatment facility, whichever is providing the 56133  
service, that has demonstrated that it is in compliance with the 56134  
funding criteria for each served child for whom a school district 56135  
must pay tuition under division (C) of this section. The amount of 56136  
the reimbursement shall be the formula amount specified in section 56137  
3317.022 of the Revised Code, except that the department shall 56138  
proportionately reduce this reimbursement if sufficient funds are 56139  
not available to pay this amount to all qualified providers. 56140

(E) Funds provided to a school district, educational service 56141  
center, or residential treatment facility under this section shall 56142  
be used to supplement, not supplant, funds from other public 56143  
sources for which the school district, service center, or 56144  
residential treatment facility is entitled or eligible. 56145

(F) The Department of Education shall track the utilization 56146  
of funds provided to school districts, educational service 56147  
centers, and residential treatment facilities under this section 56148  
and monitor the effect of the funding on the educational programs 56149  
they provide in participating residential treatment facilities. 56150  
The department shall monitor the programs for educational 56151  
accountability. 56152

**Section 269.50.60. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 56153**  
ASSESSMENT OF EDUCATION PROGRESS 56154

The General Assembly intends for the Superintendent of Public 56155  
Instruction to provide for school district participation in the 56156  
administration of the National Assessment of Education Progress in 56157  
accordance with section 3301.27 of the Revised Code. Each school 56158

and school district selected for participation by the 56159  
Superintendent of Public Instruction shall participate. 56160

**Section 269.50.70.** DEPARTMENT OF EDUCATION APPROPRIATION 56161  
TRANSFERS FOR STUDENT ASSESSMENT 56162

In fiscal year 2008 and fiscal year 2009, if the 56163  
Superintendent of Public Instruction determines that additional 56164  
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 56165  
of the 125th General Assembly and this act for assessments of 56166  
student performance, the Superintendent of Public Instruction may 56167  
recommend the reallocation of unspent and unencumbered 56168  
appropriations within the Department of Education to the General 56169  
Revenue Fund appropriation item 200-437, Student Assessment, to 56170  
the Director of Budget and Management. If the Director of Budget 56171  
and Management determines that such a reallocation is required, 56172  
the Director of Budget and Management may transfer unspent and 56173  
unencumbered funds within the Department of Education as necessary 56174  
to appropriation item 200-437, Student Assessment. If these 56175  
unspent and unencumbered funds are not sufficient to fully fund 56176  
the assessment requirements in fiscal year 2008 or fiscal year 56177  
2009, the Superintendent of Public Instruction may request that 56178  
the Controlling Board transfer up to \$9,000,000 cash from the 56179  
Lottery Profits Education Reserve Fund (Fund 018) to the General 56180  
Revenue Fund and appropriate these transferred funds to 56181  
appropriation item 200-437, Student Assessment. 56182

**Section 269.50.80.** (A) As used in this section: 56183

(1) "IEP" has the same meaning as in section 3314.08 of the 56184  
Revised Code. 56185

(2) "SBH student" means a student receiving special education 56186  
and related services for severe behavior handicap conditions 56187  
pursuant to an IEP. 56188

(B) This section applies only to a community school 56189  
established under Chapter 3314. of the Revised Code that in each 56190  
of fiscal years 2008 and 2009 enrolls a number of SBH students 56191  
equal to at least fifty per cent of the total number of students 56192  
enrolled in the school in the applicable fiscal year. 56193

(C) In addition to any payments made under section 3314.08 of 56194  
the Revised Code, in each of fiscal years 2008 and 2009, the 56195  
Department of Education shall pay to a community school to which 56196  
this section applies a subsidy equal to the difference between the 56197  
aggregate amount calculated and paid in that fiscal year to the 56198  
community school for special education and related services 56199  
additional weighted costs for the SBH students enrolled in the 56200  
school and the aggregate amount that would have been calculated 56201  
for the school for special education and related services 56202  
additional weighted costs for those same students in fiscal year 56203  
2001. If the difference is a negative number, the amount of the 56204  
subsidy shall be zero. 56205

(D) The amount of any subsidy paid to a community school 56206  
under this section shall not be deducted from the school district 56207  
in which any of the students enrolled in the community school are 56208  
entitled to attend school under section 3313.64 or 3313.65 of the 56209  
Revised Code. The amount of any subsidy paid to a community school 56210  
under this section shall be paid from funds appropriated to the 56211  
Department of Education in appropriation item 200-550, Foundation 56212  
Funding. 56213

**Section 269.50.90. EARMARK ACCOUNTABILITY** 56214

At the request of the Superintendent of Public Instruction, 56215  
any entity that receives a budget earmark under the Department of 56216  
Education shall submit annually to the chairpersons of the 56217  
committees of the House of Representatives and the Senate 56218  
primarily concerned with education and to the Department of 56219

Education a report that includes a description of the services 56220  
supported by the funds, a description of the results achieved by 56221  
those services, an analysis of the effectiveness of the program, 56222  
and an opinion as to the program's applicability to other school 56223  
districts. For an earmarked entity that received state funds from 56224  
an earmark in the prior fiscal year, no funds shall be provided by 56225  
the Department of Education to an earmarked entity for a fiscal 56226  
year until its report for the prior fiscal year has been 56227  
submitted. 56228

**Section 269.60.10.** No community school established under 56229  
Chapter 3314. of the Revised Code that was not open for operation 56230  
as of May 1, 2005, shall operate from a home, as defined in 56231  
section 3313.64 of the Revised Code. 56232

**Section 269.60.30.** PLAN TO MOVE ADULT EDUCATION PROGRAMS TO 56233  
BOARD OF REGENTS 56234

The Department of Education shall work collaboratively with 56235  
the Board of Regents to identify adult and career-technical 56236  
education programs, except for adult basic and literacy education 56237  
programs, that shall be transferred to the Board of Regents by 56238  
July 1, 2008. The purpose of this programmatic transfer is to 56239  
better align and maximize the strength and flexibility of the full 56240  
array of Ohio adult workforce education assets to improve the 56241  
overall quality of adult education and training program course and 56242  
training offerings in order to increase the skills and improve the 56243  
employment prospects of adults. 56244

On or after July 1, 2008, notwithstanding any provision of 56245  
law to the contrary, the Director of Budget and Management may 56246  
take the actions described in this section made necessary by the 56247  
movement of adult education and career programs from the 56248  
Department of Education to the Board of Regents. These actions may 56249

include budget changes made necessary by administrative 56250  
reorganization, program transfers, the creation of new funds, the 56251  
creation of new appropriation items, and the consolidation of 56252  
funds. The Director may transfer cash balances between funds as 56253  
needed. At the request of the Director, the Superintendent of 56254  
Public Instruction shall certify to the Director an estimate of 56255  
the amount of the cash balance to be transferred to the receiving 56256  
fund. The Director may transfer the estimated amount to the Board 56257  
of Regents when needed to make payments. Not more than thirty days 56258  
after certifying the estimated amount, the Superintendent of 56259  
Public Instruction shall certify the final amount to the Director. 56260  
The Director then shall transfer the difference between any amount 56261  
previously transferred and the certified final amount. The 56262  
Director may cancel encumbrances and re-establish encumbrances or 56263  
parts of encumbrances as needed in the appropriate fund and 56264  
appropriation item for the same purpose and to the same vendor. 56265  
The funds necessary to re-establish those encumbrances in a 56266  
different fund or appropriation item within or between the Board 56267  
of Regents and the Department of Education are hereby 56268  
appropriated. The Director shall reduce each year's appropriation 56269  
balances by the amount of the encumbrances canceled in their 56270  
respective funds and appropriation items. Any fiscal year 2008 56271  
unencumbered or unallocated appropriation balances may be 56272  
transferred to the appropriate item to be used for the same 56273  
purposes, as determined by the Director. 56274

Adult basic and literacy programs shall remain under the 56275  
Department of Education. 56276

**Section 269.60.40. SPECIAL EDUCATION SCHOLARSHIP PILOT** 56277  
**PROGRAM** 56278

The State Board of Education shall initiate rulemaking 56279  
procedures for the rules required under section 3310.63 of the 56280

Revised Code, as enacted by this act, so that those rules are in 56281  
effect and the Special Education Scholarship Pilot Program is in 56282  
operation by July 1, 2007. 56283

The Department of Education shall conduct a formative 56284  
evaluation of the Special Education Scholarship Pilot Program 56285  
established under sections 3310.51 to 3310.63 of the Revised Code, 56286  
using both quantitative and qualitative analyses, and shall report 56287  
its findings to the General Assembly not later than December 31, 56288  
2009. In conducting the evaluation, the Department shall to the 56289  
extent possible gather comments from parents who have been awarded 56290  
scholarships under the program, school district officials, 56291  
representatives of registered private providers, educators, and 56292  
representatives of educational organizations for inclusion in the 56293  
report required under this section. 56294

**Section 269.60.60. UNAUDITABLE COMMUNITY SCHOOL** 56295

(A) If the Auditor of State or a public accountant, pursuant 56296  
to section 117.41 of the Revised Code, declares a community school 56297  
established under Chapter 3314. of the Revised Code to be 56298  
unauditable, the Auditor of State shall provide written 56299  
notification of that declaration to the school, the school's 56300  
sponsor, and the Department of Education. The Auditor of State 56301  
also shall post the notification on the Auditor of State's web 56302  
site. 56303

(B) Notwithstanding any provision to the contrary in Chapter 56304  
3314. of the Revised Code or any other provision of law, a sponsor 56305  
of a community school that is notified by the Auditor of State 56306  
under division (A) of this section that a community school it 56307  
sponsors is unauditabile shall not enter into contracts with any 56308  
additional community schools under section 3314.03 of the Revised 56309  
Code until the Auditor of State or a public accountant has 56310  
completed a financial audit of that school. 56311

(C) Not later than forty-five days after receiving 56312  
notification by the Auditor of State under division (A) of this 56313  
section that a community school is unauditabile, the sponsor of the 56314  
school shall provide a written response to the Auditor of State. 56315  
The response shall include the following: 56316

(1) An overview of the process the sponsor will use to review 56317  
and understand the circumstances that led to the community school 56318  
becoming unauditabile; 56319

(2) A plan for providing the Auditor of State with the 56320  
documentation necessary to complete an audit of the community 56321  
school and for ensuring that all financial documents are available 56322  
in the future; 56323

(3) The actions the sponsor will take to ensure that the plan 56324  
described in division (C)(2) of this section is implemented. 56325

(D) If a community school fails to make reasonable efforts 56326  
and continuing progress to bring its accounts, records, files, or 56327  
reports into an auditable condition within ninety days after being 56328  
declared unauditabile, the Auditor of State, in addition to 56329  
requesting legal action under sections 117.41 and 117.42 of the 56330  
Revised Code, shall notify the Department of the school's failure. 56331  
If the Auditor of State or a public accountant subsequently is 56332  
able to complete a financial audit of the school, the Auditor of 56333  
State shall notify the Department that the audit has been 56334  
completed. 56335

(E) Notwithstanding any provision to the contrary in Chapter 56336  
3314. of the Revised Code or any other provision of law, upon 56337  
notification by the Auditor of State under division (D) of this 56338  
section that a community school has failed to make reasonable 56339  
efforts and continuing progress to bring its accounts, records, 56340  
files, or reports into an auditable condition following a 56341  
declaration that the school is unauditabile, the Department shall 56342

immediately cease all payments to the school under Chapter 3314. 56343  
of the Revised Code and any other provision of law. Upon 56344  
subsequent notification from the Auditor of State under that 56345  
division that the Auditor of State or a public accountant was able 56346  
to complete a financial audit of the community school, the 56347  
Department shall release all funds withheld from the school under 56348  
this section. 56349

**Section 271.10. ELC OHIO ELECTIONS COMMISSION** 56350

General Revenue Fund 56351  
GRF 051-321 Operating Expenses \$ 411,623 \$ 423,975 56352  
TOTAL GRF General Revenue Fund \$ 411,623 \$ 423,975 56353  
General Services Fund Group 56354  
4P2 051-601 Ohio Elections 56355  
Commission Fund \$ 255,000 \$ 255,000 56356  
TOTAL GSF General Services Fund \$ 255,000 \$ 255,000 56357  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 666,623 \$ 678,975 56358

**Section 273.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL** 56360

DIRECTORS 56361  
General Services Fund Group 56362  
4K9 881-609 Operating Expenses \$ 628,641 \$ 646,602 56363  
TOTAL GSF General Services 56364  
Fund Group \$ 628,641 \$ 646,602 56365  
TOTAL ALL BUDGET FUND GROUPS \$ 628,641 \$ 646,602 56366

**Section 275.10. PAY EMPLOYEE BENEFITS FUNDS** 56368

Accrued Leave Liability Fund Group 56369  
806 995-666 Accrued Leave Fund \$ 69,584,560 \$ 76,038,787 56370  
807 995-667 Disability Fund \$ 40,104,713 \$ 39,309,838 56371  
TOTAL ALF Accrued Leave Liability 56372

Fund Group	\$	109,689,273	\$	115,348,625	56373
Agency Fund Group					56374
124 995-673 Payroll Deductions	\$	2,125,000,000	\$	2,175,000,000	56375
808 995-668 State Employee Health	\$	499,240,000	\$	550,922,742	56376
Benefit Fund					
809 995-669 Dependent Care	\$	2,969,635	\$	2,969,635	56377
Spending Account					
810 995-670 Life Insurance	\$	2,113,589	\$	2,229,834	56378
Investment Fund					
811 995-671 Parental Leave Benefit	\$	3,994,806	\$	4,234,495	56379
Fund					
813 995-672 Health Care Spending	\$	12,000,000	\$	12,000,000	56380
Account					
TOTAL AGY Agency Fund Group	\$	2,645,318,030	\$	2,747,356,706	56381
TOTAL ALL BUDGET FUND GROUPS	\$	2,755,007,303	\$	2,862,705,331	56382

ACCRUED LEAVE LIABILITY FUND 56383

The foregoing appropriation item 995-666, Accrued Leave Fund, 56384  
shall be used to make payments from the Accrued Leave Liability 56385  
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 56386  
If it is determined by the Director of Budget and Management that 56387  
additional amounts are necessary, the amounts are appropriated. 56388

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 56389

The foregoing appropriation item 995-667, Disability Fund, 56390  
shall be used to make payments from the State Employee Disability 56391  
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 56392  
Revised Code. If it is determined by the Director of Budget and 56393  
Management that additional amounts are necessary, the amounts are 56394  
appropriated. 56395

PAYROLL WITHHOLDING FUND 56396

The foregoing appropriation item 995-673, Payroll Deductions, 56397  
shall be used to make payments from the Payroll Withholding Fund 56398

(Fund 124). If it is determined by the Director of Budget and Management that additional appropriation amounts are necessary, such amounts are hereby appropriated. 56399  
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STATE EMPLOYEE HEALTH BENEFIT FUND 56402

The foregoing appropriation item 995-668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 808), pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated. 56403  
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DEPENDENT CARE SPENDING ACCOUNT 56409

The foregoing appropriation item 995-669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Account (Fund 809) to employees eligible for dependent care expenses. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated. 56410  
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LIFE INSURANCE INVESTMENT FUND 56416

The foregoing appropriation item 995-670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 810) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated. 56417  
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PARENTAL LEAVE BENEFIT FUND 56424

The foregoing appropriation item 995-671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 811) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If 56425  
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it is determined by the Director of Budget and Management that 56429  
additional amounts are necessary, the amounts are appropriated. 56430

HEALTH CARE SPENDING ACCOUNT 56431

There is hereby established in the State Treasury the Health 56432  
Care Spending Account Fund (Fund 813). The foregoing appropriation 56433  
item 995-672, Health Care Spending Account, shall be used to make 56434  
payments from the fund. The fund shall be under the supervision of 56435  
the Department of Administrative Services and shall be used to 56436  
make payments pursuant to state employees' participation in a 56437  
flexible spending account for non-reimbursed health care expenses 56438  
and pursuant to Section 125 of the Internal Revenue Code. All 56439  
income derived from the investment of the fund shall accrue to the 56440  
fund. If it is determined by the Director of Administrative 56441  
Services that additional appropriation amounts are necessary, the 56442  
Director of Administrative Services may request that the Director 56443  
of Budget and Management increase such amounts. Such amounts are 56444  
hereby appropriated. 56445

At the request of the Director of Administrative Services, 56446  
the Director of Budget and Management shall transfer up to 56447  
\$145,000 from the General Revenue Fund to the Health Care Spending 56448  
Account Fund during fiscal years 2008 and 2009. This cash shall be 56449  
transferred as needed to provide adequate cash flow for the Health 56450  
Care Spending Account Fund during fiscal year 2008 and fiscal year 56451  
2009. If funds are available at the end of fiscal years 2008 and 56452  
2009, the Director of Budget and Management shall transfer cash up 56453  
to the amount previously transferred in the respective year, plus 56454  
interest income, back from the Health Care Spending Account (Fund 56455  
813) to the General Revenue Fund. 56456

**Section 277.10.** ERB STATE EMPLOYMENT RELATIONS BOARD 56457

General Revenue Fund 56458

GRF 125-321 Operating Expenses	\$	3,218,803	\$	3,355,602	56459
TOTAL GRF General Revenue Fund	\$	3,218,803	\$	3,355,602	56460
General Services Fund Group					56461
572 125-603 Training and Publications	\$	75,541	\$	75,541	56462
TOTAL GSF General Services Fund Group	\$	75,541	\$	75,541	56463
TOTAL ALL BUDGET FUND GROUPS	\$	3,294,344	\$	3,431,143	56464
 <b>Section 279.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS</b>					56465
General Services Fund Group					56466
4K9 892-609 Operating Expenses	\$	1,058,881	\$	1,058,881	56467
TOTAL GSF General Services Fund Group	\$	1,058,881	\$	1,058,881	56468
TOTAL ALL BUDGET FUND GROUPS	\$	1,058,881	\$	1,058,881	56469
 <b>Section 281.10. EPA ENVIRONMENTAL PROTECTION AGENCY</b>					56470
General Services Fund Group					56471
199 715-602 Laboratory Services	\$	1,158,574	\$	1,173,574	56472
219 715-604 Central Support Indirect	\$	16,474,276	\$	17,000,962	56473
4A1 715-640 Operating Expenses	\$	3,369,731	\$	3,369,731	56474
TOTAL GSF General Services Fund Group	\$	21,002,581	\$	21,544,267	56475
Federal Special Revenue Fund Group					56476
3BU 715-684 Water Quality Protection	\$	6,515,000	\$	6,310,000	56477
3F2 715-630 Revolving Loan Fund - Operating	\$	563,536	\$	775,600	56478
3F3 715-632 Federally Supported Cleanup and Response	\$	2,550,000	\$	2,550,000	56479
3F5 715-641 Nonpoint Source	\$	7,550,000	\$	7,595,000	56480

		Pollution Management					
3K4	715-634	DOD Monitoring and Oversight	\$	858,250	\$	898,825	56486
3N4	715-657	DOE Monitoring and Oversight	\$	1,071,678	\$	1,110,270	56487
3T3	715-669	Drinking Water SRF	\$	2,843,923	\$	2,977,998	56488
3V7	715-606	Agencywide Grants	\$	500,000	\$	500,000	56489
353	715-612	Public Water Supply	\$	3,388,619	\$	3,388,618	56490
354	715-614	Hazardous Waste Management - Federal	\$	4,203,891	\$	4,203,891	56491
357	715-619	Air Pollution Control - Federal	\$	6,823,949	\$	6,823,950	56492
362	715-605	Underground Injection Control - Federal	\$	111,874	\$	111,874	56493
TOTAL FED	Federal	Special Revenue					56494
Fund Group			\$	36,980,720	\$	37,246,026	56495
State	Special Revenue	Fund Group					56496
4J0	715-638	Underground Injection Control	\$	458,418	\$	458,418	56497
4K2	715-648	Clean Air - Non Title V	\$	3,690,821	\$	4,066,558	56498
4K3	715-649	Solid Waste	\$	13,932,845	\$	14,282,845	56499
4K4	715-650	Surface Water Protection	\$	12,685,000	\$	13,815,000	56500
4K5	715-651	Drinking Water Protection	\$	8,169,553	\$	8,867,732	56501
4P5	715-654	Cozart Landfill	\$	149,728	\$	149,728	56502
4R5	715-656	Scrap Tire Management	\$	6,000,000	\$	6,000,000	56503
4R9	715-658	Voluntary Action Program	\$	1,032,098	\$	1,032,098	56504
4T3	715-659	Clean Air - Title V Permit Program	\$	18,924,098	\$	18,833,584	56505
4U7	715-660	Construction &	\$	881,561	\$	881,561	56506

Demolition Debris				
5BC	715-617	Clean Ohio	\$ 741,646	\$ 741,646 56507
5BC	715-622	Local Air Pollution	\$ 1,026,369	\$ 1,026,369 56508
Control				
5BC	715-624	Surface Water	\$ 8,797,413	\$ 8,797,413 56509
5BC	715-667	Groundwater	\$ 1,093,741	\$ 1,093,741 56510
5BC	715-672	Air Pollution Control	\$ 5,199,290	\$ 5,199,290 56511
5BC	715-673	Drinking Water	\$ 2,550,250	\$ 2,550,250 56512
5BC	715-675	Hazardous Waste	\$ 100,847	\$ 100,847 56513
5BC	715-676	Assistance and	\$ 700,302	\$ 700,302 56514
Prevention				
5BC	715-677	Laboratory	\$ 1,216,333	\$ 1,216,333 56515
5BC	715-678	Corrective Actions	\$ 1,179,775	\$ 1,179,775 56516
5BT	715-679	C&DD Groundwater	\$ 571,560	\$ 693,267 56517
Monitoring				
5BY	715-681	Auto Emissions Test	\$ 14,817,105	\$ 15,057,814 56518
5CD	715-682	Clean Diesel School	\$ 600,000	\$ 600,000 56519
Buses				
5DW	715-683	Automotive Mercury	\$ 60,000	\$ 60,000 56520
Switch Program				
5H4	715-664	Groundwater Support	\$ 2,503,933	\$ 2,715,340 56521
5N2	715-613	Dredge and Fill	\$ 30,000	\$ 30,000 56522
500	715-608	Immediate Removal	\$ 557,257	\$ 573,903 56523
Special Account				
503	715-621	Hazardous Waste	\$ 11,711,473	\$ 12,200,240 56524
Facility Management				
505	715-623	Hazardous Waste	\$ 13,333,179	\$ 14,147,498 56525
Cleanup				
505	715-674	Clean Ohio	\$ 109,725	\$ 109,725 56526
Environmental Review				
541	715-670	Site Specific Cleanup	\$ 34,650	\$ 34,650 56527
542	715-671	Risk Management	\$ 146,188	\$ 146,188 56528
Reporting				

592	715-627	Anti Tampering Settlement	\$	9,707	\$	9,707	56529
6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000	56530
602	715-626	Motor Vehicle Inspection and Maintenance	\$	157,697	\$	128,876	56531
644	715-631	ER Radiological Safety	\$	286,114	\$	286,114	56532
660	715-629	Infectious Waste Management	\$	100,000	\$	100,000	56533
676	715-642	Water Pollution Control Loan Administration	\$	4,964,625	\$	4,964,625	56534
678	715-635	Air Toxic Release	\$	210,622	\$	210,622	56535
679	715-636	Emergency Planning	\$	2,628,647	\$	2,628,647	56536
696	715-643	Air Pollution Control Administration	\$	750,000	\$	750,000	56537
699	715-644	Water Pollution Control Administration	\$	750,000	\$	750,000	56538
TOTAL SSR State Special Revenue			\$	144,362,570	\$	148,690,706	56539
Fund Group							
Clean Ohio Revitalization Fund Group							56540
5S1	715-607	Clean Ohio - Operating	\$	208,174	\$	208,174	56541
TOTAL CLF Clean Ohio Revitalization			\$	208,174	\$	208,174	56542
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	202,554,045	\$	207,689,173	56543
AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT							56544
On the first day of July of each fiscal year or as soon as							56545
possible thereafter, the Director of Budget and Management shall							56546
transfer \$14,817,105 for use in fiscal year 2008 and \$15,057,814							56547
for use in fiscal year 2009 from the General Revenue Fund (GRF) to							56548
the Auto Emissions Test Fund (Fund 5BY).							56549

The Ohio Environmental Protection Agency (EPA) shall use the  
foregoing appropriation item 715-681, Auto Emissions Test, in the  
Auto Emissions Test Fund (Fund 5BY), for the operation, and Ohio  
EPA's costs for oversight, of the auto emissions testing program.  
For purposes of continuing testing beyond December 31, 2007, the  
Director of Environmental Protection may extend an existing  
contract with the contractor who is implementing the testing  
program pursuant to section 3704.14 of the Revised Code for a  
period of two years.

The funds identified in this section shall not be used (1) to  
pay for the testing costs of any dealers to provide certificates  
for vehicles being purchased by individuals who reside in areas  
where the E-Check program is operated or (2) to pay for more than  
one passing or three total free tests for any vehicle in a  
three-hundred-sixty-five-day period. When state funds may not be  
used to pay for testing costs, the cost of testing and retesting  
paid by an individual or a business for any vehicle shall cover  
the cost of the test. Testing and other fees charged by the  
contractor shall be submitted to and approved by the Director of  
Environmental Protection.

WATER QUALITY PROTECTION FUND

On July 1, 2007, or as soon thereafter as possible, the  
Director of Environmental Protection shall certify to the Director  
of Budget and Management the cash balance in Fund 3F4, Water  
Quality Management. The Director of Budget and Management shall  
transfer the amount certified from Fund 3F4 to Fund 3BU, Water  
Quality Protection. Any existing encumbrances in appropriation  
item 715-633, Water Quality Management (Fund 3F4), shall be  
cancelled and re-established against appropriation item 715-684,  
Water Quality Protection (Fund 3BU). The amounts of the  
re-established encumbrances are hereby appropriated, and Fund 3F4  
is abolished.

On July 1, 2007, or as soon thereafter as possible, the 56582  
Director of Environmental Protection shall certify to the Director 56583  
of Budget and Management the cash balance in Fund 3J1, Urban 56584  
Stormwater. The Director of Budget and Management shall transfer 56585  
the amount certified from Fund 3J1 to Fund 3BU, Water Quality 56586  
Protection. Any existing encumbrances in appropriation item 56587  
715-620, Urban Stormwater (Fund 3J1), shall be cancelled and 56588  
re-established against appropriation item 715-684, Water Quality 56589  
Protection (Fund 3BU). The amounts of the re-established 56590  
encumbrances are hereby appropriated, and Fund 3J1 is abolished. 56591

On July 1, 2007, or as soon thereafter as possible, the 56592  
Director of Environmental Protection shall certify to the Director 56593  
of Budget and Management the cash balance in Fund 3J5, Maumee 56594  
River. The Director of Budget and Management shall transfer the 56595  
amount certified from Fund 3J5 to Fund 3BU, Water Quality 56596  
Protection. Any existing encumbrances in appropriation item 56597  
715-615, Maumee River (Fund 3J5), shall be cancelled and 56598  
re-established against appropriation item 715-684, Water Quality 56599  
Protection (Fund 3BU). The amounts of the re-established 56600  
encumbrances are hereby appropriated, and Fund 3J5 is abolished. 56601

On July 1, 2007, or as soon thereafter as possible, the 56602  
Director of Environmental Protection shall certify to the Director 56603  
of Budget and Management the cash balance in Fund 3K2, Clean Water 56604  
Act 106 (Fund 3K2). The Director of Budget and Management shall 56605  
transfer the amount certified from Fund 3K2 to Fund 3BU, Water 56606  
Quality Protection. Any existing encumbrances in appropriation 56607  
item 715-628, Clean Water Act 106, shall be cancelled and 56608  
re-established against appropriation item 715-684, Water Quality 56609  
Protection (Fund 3BU). The amounts of the re-established 56610  
encumbrances are hereby appropriated, and Fund 3K2 is abolished. 56611

On July 1, 2007, or as soon thereafter as possible, the 56612  
Director of Environmental Protection shall certify to the Director 56613

of Budget and Management the cash balance in Fund 3K6, Remedial 56614  
Action Plan. The Director of Budget and Management shall transfer 56615  
the amount certified from Fund 3K6 to Fund 3BU, Water Quality 56616  
Protection. Any existing encumbrances in appropriation item 56617  
715-639, Remedial Action Plan (Fund 3K6), shall be cancelled and 56618  
re-established against appropriation item 715-684, Water Quality 56619  
Protection (Fund 3BU). The amounts of the re-established 56620  
encumbrances are hereby appropriated, and Fund 3K6 is abolished. 56621

On July 1, 2007, or as soon thereafter as possible, the 56622  
Director of Environmental Protection shall certify to the Director 56623  
of Budget and Management the cash balance in Fund 352, Wastewater 56624  
Pollution. The Director of Budget and Management shall transfer 56625  
the amount certified from Fund 352 to Fund 3BU, Water Quality 56626  
Protection. Any existing encumbrances in appropriation item 56627  
715-611, Wastewater Pollution (Fund 352), shall be cancelled and 56628  
re-established against appropriation item 715-684, Water Quality 56629  
Protection (Fund 3BU). The amounts of the re-established 56630  
encumbrances are hereby appropriated, and Fund 352 is abolished. 56631

On July 1, 2007, or as soon thereafter as possible, the 56632  
Director of Environmental Protection shall certify to the Director 56633  
of Budget and Management the cash balance in Fund 358, 205-J 56634  
Federal Planning. The Director of Budget and Management shall 56635  
transfer the amount certified from Fund 358 to Fund 3BU, Water 56636  
Quality Protection. Any existing encumbrances in appropriation 56637  
item 715-625, 205-J Federal Planning (Fund 358), shall be 56638  
cancelled and re-established against appropriation item 715-684, 56639  
Water Quality Protection (Fund 3BU). The amounts of the 56640  
re-established encumbrances are hereby appropriated, and Fund 358 56641  
is abolished. 56642

AREAWIDE PLANNING AGENCIES 56643

The Director of the Environmental Protection Agency shall use 56644  
the foregoing appropriation item 715-624, Surface Water, to 56645

contract with areawide planning agencies in an amount not to 56646  
 exceed \$75,000 per agency per fiscal year for areawide water 56647  
 quality management and planning activities in accordance with 56648  
 Section 208 of the Federal Clean Water Act, 33 U.S.C. 1288. 56649

CASH TRANSFER FOR AUTOMOTIVE MERCURY SWITCH PROGRAM 56650

Upon the request of the Director of Environmental Protection, 56651  
 the Director of Budget and Management shall transfer up to \$60,000 56652  
 in cash from the Environmental Protection Fund (Fund 5BC) to the 56653  
 Automotive Mercury Switch Program Fund (Fund 5DW), in each year of 56654  
 the fiscal years 2008-2009 biennium. 56655

**Section 283.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 56656

General Revenue Fund 56657  
 GRF 172-321 Operating Expenses \$ 483,859 \$ 487,000 56658  
 TOTAL GRF General Revenue Fund \$ 483,859 \$ 487,000 56659  
 TOTAL ALL BUDGET FUND GROUPS \$ 483,859 \$ 487,000 56660

**Section 285.10.** ETC ETECH OHIO 56662

General Revenue Fund 56663  
 GRF 935-321 Operations \$ 6,830,918 \$ 6,830,921 56664  
 GRF 935-401 Statehouse News Bureau \$ 244,400 \$ 244,400 56665  
 GRF 935-402 Ohio Government \$ 716,417 \$ 716,417 56666  
     Telecommunications  
     Services  
 GRF 935-403 Technical Operations \$ 3,597,390 \$ 3,597,389 56667  
 GRF 935-404 Telecommunications \$ 3,632,413 \$ 3,632,413 56668  
     Operating Subsidy  
 GRF 935-406 Technical and \$ 7,285,351 \$ 7,272,351 56669  
     Instructional  
     Professional  
     Development  
 GRF 935-539 Educational Technology \$ 4,139,551 \$ 4,139,551 56670

TOTAL GRF General Revenue Fund	\$	26,446,440	\$	26,433,442	56671
General Services Fund Group					56672
4F3 935-603 Affiliate Services	\$	1,000,000	\$	1,000,000	56673
4T2 935-605 Government	\$	25,000	\$	25,000	56674
Television/Telecommunications					
Operating					
5D4 935-640 Conference/Special	\$	1,821,817	\$	1,821,817	56675
Purposes					
TOTAL GSF General Services Fund	\$	2,846,817	\$	2,846,817	56676
Group					
Federal Special Revenue Fund Group					56677
3S3 935-606 Enhancing Education	\$	589,363	\$	589,363	56678
Technology					
TOTAL FED Federal Special Revenue	\$	589,363	\$	589,363	56679
Fund Group					
State Special Revenue Fund Group					56680
4W9 935-630 Telecommunity	\$	25,000	\$	25,000	56681
4X1 935-634 Distance Learning	\$	50,000	\$	50,000	56682
5T3 935-607 Gates Foundation	\$	200,000	\$	200,000	56683
Grants					
TOTAL SSR State Special Revenue	\$	275,000	\$	275,000	56684
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	30,157,620	\$	30,144,622	56685

**Section 285.20. TOWERS**

56687

(A) eTech Ohio currently owns eighteen towers and owns or  
leases an interest in the land upon which the towers are located  
at the following sites: Akron/Nimisila, Butler, Carey, Carmel  
Church, Celina College, Corner/Oxford, Conneaut/Ashtabula,  
Fairborn/Wright State, Lancaster, London, Loudonville, Mansfield,  
Maplewood, Millersburg, Thompson, Warrensville Heights,  
Wilberforce/Central State University, and Wooster. All rights,

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privileges, ownership, and control of the towers shall be 56695  
transferred to the Office of Information Technology by July 1, 56696  
2007, or as soon as possible thereafter. Where the land upon which 56697  
the towers are located is leased by eTech Ohio, eTech Ohio hereby 56698  
relinquishes its right on any such lease and the Office of 56699  
Information Technology shall be substituted as the lessee of the 56700  
premises by July 1, 2007, or as soon as possible thereafter, under 56701  
the same terms, provisions, and conditions as specified in each 56702  
lease agreement, subject to the lessor's consent. Where the land 56703  
upon which the towers are located is owned by eTech Ohio, all 56704  
rights, privileges, ownership, and control of the land shall be 56705  
transferred to the Office of Information Technology by July 1, 56706  
2007, or as soon as possible thereafter. The transfers and 56707  
assignments of the eighteen tower site designations are subject to 56708  
eTech Ohio's continued right to use the towers for transmission 56709  
and broadcasting purposes and subject to the completion of any 56710  
legal surveys of the premises on which the towers are located as 56711  
deemed necessary by the Office of Real Estate Services. 56712

(B) The Governor is hereby authorized to execute deeds or 56713  
leases in the name of the state, granting or leasing all of the 56714  
state's right, title, and interest in the parcels described 56715  
herein, and as necessary to implement division (A) of this 56716  
section. 56717

(C) Renewable leases and deeds to implement division (A) of 56718  
this section shall be prepared by the Auditor of State with the 56719  
assistance of the Attorney General, executed by the Governor, 56720  
countersigned by the Secretary of State, sealed with the Great 56721  
Seal of the State, and presented for recording in the Office of 56722  
the Auditor of State. Each deed or lease shall be delivered to the 56723  
original grantor or lessor of each property for recording in the 56724  
office of the appropriate county recorder. 56725

<b>Section 285.30. TELECOMMUNICATIONS</b>	56726
STATEHOUSE NEWS BUREAU	56727
The foregoing appropriation item 935-401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau.	56728 56729 56730
OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO	56731
The foregoing appropriation item 935-402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services.	56732 56733 56734
TECHNICAL OPERATIONS	56735
The foregoing appropriation item 935-403, Technical Operations, shall be used by eTech Ohio to pay expenses of eTech Ohio's network infrastructure, which includes the television and radio transmission infrastructure and infrastructure that shall link all public K-12 classrooms to each other and the Internet, and provide access to voice, video, and data educational resources for students and teachers.	56736 56737 56738 56739 56740 56741 56742
TELECOMMUNICATIONS OPERATING SUBSIDY	56743
Of the foregoing appropriation item 935-404, Telecommunications Operating Subsidy, \$45,000 in each fiscal year shall be used to contract for dial-up newspaper reading services for the blind and physically handicapped. The contract shall be awarded through a competitive bidding process.	56744 56745 56746 56747 56748
The remainder of appropriation item 935-404, Telecommunications Operating Subsidy, shall be distributed by eTech Ohio to Ohio's qualified public educational television stations, radio reading services, and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless and until a	56749 56750 56751 56752 56753 56754 56755

substitute formula is developed by eTech Ohio in consultation with 56756  
Ohio's qualified public educational television stations, radio 56757  
reading services, and educational radio stations. 56758

**Section 285.40. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL 56759**  
DEVELOPMENT 56760

The foregoing appropriation item 935-406, Technical and 56761  
Instructional Professional Development, shall be used by eTech 56762  
Ohio to make grants or provide services to qualifying public 56763  
schools, including the State School for the Blind, the State 56764  
School for the Deaf, and the Department of Youth Services, for the 56765  
provision of hardware, software, telecommunications services, and 56766  
staff development to support educational uses of technology in the 56767  
classroom. 56768

Of the foregoing appropriation item 935-406, Technical and 56769  
Instructional Professional Development, up to \$1,000,000 in each 56770  
fiscal year shall be used to implement and support the Ohio 56771  
Students Choosing On-line Resources for Educational Success (Ohio 56772  
SCORES) initiative that increases the educational options 56773  
available to students in mathematics, advanced laboratory-based 56774  
science, and foreign language. eTech Ohio shall work 56775  
collaboratively with the Department of Education and the Board of 56776  
Regents on this initiative. 56777

Of the foregoing appropriation item 935-406, Technical and 56778  
Instructional Professional Development, up to \$200,000 in each 56779  
fiscal year shall be used by eTech Ohio to provide competitive 56780  
professional development grants to school districts. Grant 56781  
proposals shall focus on developing innovative programs that 56782  
enhance the abilities of teachers to use innovative methods for 56783  
integrating technology to implement state academic content 56784  
standards in classroom lessons. Grant requirements and awards 56785  
shall be approved by eTech Ohio, with priority given to school 56786

districts designated in academic emergency, academic watch, or 56787  
continuous improvement. eTech Ohio shall develop a web site to 56788  
share information learned through these programs with school 56789  
districts statewide. The web site shall be linked with the Ohio 56790  
Department of Education's Instructional Management System. 56791

Of the foregoing appropriation item 935-406, Technical and 56792  
Instructional Professional Development, up to \$1,260,000 in each 56793  
fiscal year shall be allocated equally among the 12 Ohio 56794  
educational television stations and used with the advice and 56795  
approval of eTech Ohio. Funds shall be used for the production of 56796  
interactive instructional programming series with priority given 56797  
to resources aligned with state academic content standards in 56798  
consultation with the Ohio Department of Education and for 56799  
teleconferences to support eTech Ohio. The programming shall be 56800  
targeted to the needs of the poorest two hundred school districts 56801  
as determined by the district's adjusted valuation per pupil as 56802  
defined in former section 3317.0213 of the Revised Code as that 56803  
section existed prior to June 30, 2005. 56804

The remainder of appropriation item 935-406, Technical and 56805  
Instructional Professional Development, shall be used by eTech 56806  
Ohio for professional development for teachers and administrators 56807  
for the use of educational technology. eTech Ohio may make grants 56808  
to provide technical assistance and professional development on 56809  
the use of educational technology to school districts. 56810

Eligible recipients of grants include regional training 56811  
centers, educational service centers, information technology 56812  
centers, educational technology centers, institutions of higher 56813  
education, public television stations, special education resource 56814  
centers, area media centers, or other nonprofit educational 56815  
organizations. In addition, services provided through these grants 56816  
may include use of private entities subcontracting through the 56817  
grant recipient. 56818

Grants shall be made to entities on a contractual basis with 56819  
eTech Ohio. Contracts shall include provisions that demonstrate 56820  
how services will benefit technology use in the public schools, 56821  
and in particular how services will support eTech Ohio's efforts 56822  
to integrate technology in the public schools. Contracts shall 56823  
specify the scope of assistance being offered and the potential 56824  
number of professionals who will be served. Contracting entities 56825  
may be awarded more than one grant at a time. Grants shall be 56826  
awarded in a manner consistent with the goals and priorities of 56827  
eTech Ohio. Special emphasis in the award of grants shall be 56828  
placed on collaborative efforts among service providers. 56829

Application for grants from appropriation item 935-406, 56830  
Technical and Instructional Professional Development, shall be 56831  
consistent with a school district's technology plan that shall 56832  
meet the minimum specifications for school district technology 56833  
plans as prescribed by eTech Ohio. Funds allocated through these 56834  
grants may be combined with funds received through other state or 56835  
federal grants for technology so long as the school district's 56836  
technology plan specifies the use of these funds. 56837

**Section 285.50. EDUCATION TECHNOLOGY** 56838

The foregoing appropriation item 935-539, Education 56839  
Technology, shall be used to provide funding to suppliers of 56840  
information services to school districts for the provision of 56841  
hardware, software, and staff development in support of 56842  
educational uses of technology in the classroom as prescribed by 56843  
the State Plan for Technology pursuant to section 3301.07 of the 56844  
Revised Code, and to support assistive technology for children and 56845  
youth with disabilities. 56846

Of the foregoing appropriation item 935-539, Education 56847  
Technology, up to \$4,139,551 in each fiscal year shall be used by 56848  
eTech Ohio to contract with educational television to provide Ohio 56849

public schools with instructional resources and services with 56850  
priority given to resources and services aligned with state 56851  
academic content standards and such resources and services shall 56852  
be based upon the advice and approval of eTech Ohio, based on a 56853  
formula used by the Ohio SchoolNet Commission unless and until a 56854  
substitute formula is developed by eTech Ohio in consultation with 56855  
Ohio's educational technology agencies and noncommercial 56856  
educational television stations. 56857

Resources may include, but not be limited to, the following: 56858  
prerecorded video materials (including videotape, laser discs, and 56859  
CD-ROM discs); computer software for student use or student access 56860  
to electronic communication, databases, spreadsheet, and word 56861  
processing capability; live student courses or courses delivered 56862  
electronically; automated media systems; and instructional and 56863  
professional development materials for teachers. eTech Ohio shall 56864  
collaborate with public television stations and cooperate with 56865  
education technology agencies in the acquisition, development, and 56866  
delivery of these educational resources to ensure high-quality and 56867  
educational soundness at the lowest possible cost. Delivery of 56868  
these resources may utilize a variety of technologies, with a 56869  
preference given to a high speed integrated information network 56870  
that can transport video, voice, data, and graphics 56871  
simultaneously. 56872

Services shall include presentations and technical assistance 56873  
that will help students and teachers integrate educational 56874  
materials that support curriculum objectives, match specific 56875  
learning styles, and are appropriate for individual interests and 56876  
ability levels. 56877

The instructional resources and services shall be made 56878  
available for purchase by chartered nonpublic schools or by school 56879  
districts for the benefit of pupils attending chartered nonpublic 56880  
schools. 56881

eTech Ohio shall monitor the developments of technology, 56882  
coordinate with the Office of Information Technology, and assure 56883  
the most effective and highest quality operation of eTech Ohio 56884  
networks. All efforts may be aligned with the State's ongoing 56885  
efforts to coordinate appropriate network operations through the 56886  
Office of Information Technology and through the Third Frontier 56887  
Network. 56888

**Section 285.60. TELECOMMUNITY** 56889

The foregoing appropriation item 935-630, Telecommunity, 56890  
shall be distributed by eTech Ohio on a grant basis to eligible 56891  
school districts to establish "distance learning" through 56892  
interactive video technologies in the school district. Per 56893  
agreements with eight Ohio local telephone companies ALLTEL Ohio, 56894  
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 56895  
Cincinnati Bell Telephone Company, Orwell Telephone Company, 56896  
Sprint North Central Telephone, VERIZON, and Western Reserve 56897  
Telephone Company, school districts are eligible for funds if they 56898  
are within one of the listed telephone company service areas. 56899  
Funds to administer the program shall be expended by eTech Ohio up 56900  
to the amount specified in agreements with the listed telephone 56901  
companies. 56902

Within thirty days after the effective date of this section, 56903  
the Director of Budget and Management shall transfer to Fund 4W9 56904  
in the State Special Revenue Fund Group any investment earnings 56905  
from moneys paid by any telephone company as part of any 56906  
settlement agreement between the listed companies and the Public 56907  
Utilities Commission in fiscal years 1996 and beyond. 56908

**DISTANCE LEARNING** 56909

The foregoing appropriation item 935-634, Distance Learning, 56910  
shall be distributed by eTech Ohio on a grant basis to eligible 56911  
school districts to establish "distance learning" in the school 56912

district. Per the agreement with Ameritech, school districts are 56913  
eligible for funds if they are within an Ameritech service area. 56914  
Funds to administer the program shall be expended by eTech Ohio up 56915  
to the amount specified in the agreement with Ameritech. 56916

Within thirty days after the effective date of this section, 56917  
the Director of Budget and Management shall transfer to Fund 4X1 56918  
in the State Special Revenue Fund Group any investment earnings 56919  
from moneys paid by any telephone company as part of a settlement 56920  
agreement between the company and the Public Utilities Commission 56921  
in fiscal year 1995. 56922

GATES FOUNDATION GRANTS 56923

The foregoing appropriation item 935-607, Gates Foundation 56924  
Grants, shall be used by eTech Ohio to provide professional 56925  
development to school district principals, superintendents, and 56926  
other administrative staff for the use of education technology. 56927

**Section 287.10.** ETH OHIO ETHICS COMMISSION 56928

General Revenue Fund 56929

GRF 146-321 Operating Expenses \$ 1,863,028 \$ 1,902,275 56930

TOTAL GRF General Revenue Fund \$ 1,863,028 \$ 1,902,275 56931

General Services Fund Group 56932

4M6 146-601 Operating Expenses \$ 432,543 \$ 432,543 56933

TOTAL GSF General Services 56934

Fund Group \$ 432,543 \$ 432,543 56935

TOTAL ALL BUDGET FUND GROUPS \$ 2,295,571 \$ 2,334,818 56936

**Section 289.10.** EXP OHIO EXPOSITIONS COMMISSION 56938

General Revenue Fund 56939

GRF 723-403 Junior Fair Subsidy \$ 400,000 \$ 400,000 56940

TOTAL GRF General Revenue Fund \$ 400,000 \$ 400,000 56941

State Special Revenue Fund Group 56942

4N2 723-602	Ohio State Fair	\$	520,000	\$	520,000	56943
	Harness Racing					
506 723-601	Operating Expenses	\$	13,643,315	\$	13,643,315	56944
640 723-603	State Fair Reserve	\$	125,337	\$	0	56945
TOTAL SSR	State Special Revenue					56946
Fund Group		\$	14,288,652	\$	14,163,315	56947
TOTAL ALL BUDGET FUND GROUPS		\$	14,688,652	\$	14,563,315	56948

STATE FAIR RESERVE 56949

The foregoing appropriation item 723-603, State Fair Reserve, 56950  
shall serve as a budget reserve fund for the Ohio Expositions 56951  
Commission in the event of a significant decline in attendance 56952  
because of inclement weather or extraordinary circumstances during 56953  
the Ohio State Fair resulting in a loss of revenue. The State Fair 56954  
Reserve Fund (Fund 640) may be used by the Ohio Expositions 56955  
Commission to pay bills resulting from the Ohio State Fair only if 56956  
all the following criteria are met: 56957

(A) Admission revenues for the 2007 Ohio State Fair are less 56958  
than \$2,025,000 or the admission revenues for the 2008 Ohio State 56959  
Fair are less than \$2,065,000 because of inclement weather or 56960  
extraordinary circumstances. These amounts are ninety per cent of 56961  
the projected revenues for each year. 56962

(B) The Ohio Expositions Commission declares a state of 56963  
fiscal exigency and requests release of funds from the Director of 56964  
Budget and Management. 56965

(C) The Director of Budget and Management releases the funds. 56966  
The Director of Budget and Management may approve or disapprove 56967  
the request for release of funds, may increase or decrease the 56968  
amount of release, and may place conditions as the Director 56969  
considers necessary on the use of the released funds. The Director 56970  
of Budget and Management may transfer the appropriation from 56971  
fiscal year 2008 to fiscal year 2009 as needed. 56972

In the event that the Ohio Expositions Commission faces a temporary cash shortage that will preclude it from meeting current obligations, the Commission may request the Director of Budget and Management to approve use of the State Fair Reserve Fund (Fund 640) to meet those obligations. The request shall include a plan describing how the Commission will eliminate the cash shortage. If the Director of Budget and Management approves the expenditures, the Commission shall reimburse the State Fair Reserve Fund (Fund 640) by the thirtieth day of June of that same fiscal year through an intrastate transfer voucher. The amount reimbursed is hereby appropriated.

**Section 291.10. GOV OFFICE OF THE GOVERNOR**

General Revenue Fund				56985
GRF 040-321 Operating Expenses	\$	3,754,045	\$ 3,754,045	56986
GRF 040-403 Federal Relations	\$	435,443	\$ 435,443	56987
GRF 040-408 Office of Veterans' Affairs	\$	287,000	\$ 298,000	56988
TOTAL GRF General Revenue Fund	\$	4,476,488	\$ 4,487,488	56989
General Services Fund Group				56990
5AK 040-607 Federal Relations	\$	365,149	\$ 365,149	56991
TOTAL GSF General Services Fund Group	\$	365,149	\$ 365,149	56992
TOTAL ALL BUDGET FUND GROUPS	\$	4,841,637	\$ 4,852,637	56993

**APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR**

The Governor may expend a portion of the foregoing appropriation item 040-321, Operating Expenses, to hire or appoint legal counsel to be used in proceedings involving the Governor in the Governor's official capacity or the Governor's office only, without the approval of the Attorney General, notwithstanding sections 109.02 and 109.07 of the Revised Code.

FEDERAL RELATIONS				57001	
A portion of the foregoing appropriation items 040-403,				57002	
Federal Relations, and 040-607, Federal Relations, may be used to				57003	
support Ohio's membership in national or regional associations.				57004	
The Office of the Governor may charge any state agency of the				57005	
executive branch using an intrastate transfer voucher such amounts				57006	
necessary to defray the costs incurred for the conduct of federal				57007	
relations associated with issues that can be attributed to the				57008	
agency. Amounts collected shall be deposited to the Office of the				57009	
Governor Federal Relations Fund (Fund 5AK).				57010	
<b>Section 293.10. DOH DEPARTMENT OF HEALTH</b>				57011	
General Revenue Fund				57012	
GRF 440-407 Animal Borne Disease	\$	2,327,101	\$	2,327,101	57013
and Prevention					
GRF 440-412 Cancer Incidence	\$	1,002,619	\$	1,002,619	57014
Surveillance System					
GRF 440-413 Local Health	\$	3,786,794	\$	3,786,794	57015
Department Support					
GRF 440-416 Child and Family	\$	10,047,874	\$	10,147,874	57016
Health Services					
GRF 440-418 Immunizations	\$	9,400,615	\$	9,400,615	57017
GRF 440-431 Free Clinic Liability	\$	125,000	\$	125,000	57018
Insurance					
GRF 440-437 Healthy Ohio	\$	1,502,618	\$	2,855,553	57019
GRF 440-444 AIDS Prevention and	\$	7,158,127	\$	7,158,127	57020
Treatment					
GRF 440-446 Infectious Disease	\$	200,000	\$	200,000	57021
Prevention					
GRF 440-451 Lab and Public Health	\$	6,085,250	\$	6,085,250	57022
Prevention Programs					
GRF 440-452 Child and Family	\$	1,024,017	\$	1,024,017	57023

		Health Services Match					
GRF	440-453	Health Care Quality Assurance	\$	10,253,728	\$	10,253,728	57024
GRF	440-454	Local Environmental Health	\$	889,752	\$	889,752	57025
GRF	440-459	Help Me Grow	\$	10,923,397	\$	14,041,847	57026
GRF	440-505	Medically Handicapped Children	\$	10,791,784	\$	10,791,784	57027
GRF	440-507	Targeted Health Care Services Over 21	\$	1,681,023	\$	1,681,023	57028
GRF	440-511	Uncompensated Care and Emergency Medical Assistance	\$	0	\$	3,500,000	57029
TOTAL GRF		General Revenue Fund	\$	77,199,699	\$	85,271,084	57030
		General Services Fund Group					57031
142	440-646	Agency Health Services	\$	3,461,915	\$	3,461,915	57032
211	440-613	Central Support Indirect Costs	\$	28,884,707	\$	28,884,707	57033
473	440-622	Lab Operating Expenses	\$	4,954,045	\$	4,954,045	57034
683	440-633	Employee Assistance Program	\$	1,208,214	\$	1,208,214	57035
698	440-634	Nurse Aide Training	\$	170,000	\$	170,000	57036
TOTAL GSF		General Services Fund Group	\$	38,678,881	\$	38,678,881	57037
		Federal Special Revenue Fund Group					57039
320	440-601	Maternal Child Health Block Grant	\$	30,666,635	\$	30,666,635	57040
387	440-602	Preventive Health Block Grant	\$	7,826,659	\$	7,826,659	57041
389	440-604	Women, Infants, and Children	\$	230,077,451	\$	230,077,451	57042
391	440-606	Medicaid/Medicare	\$	24,850,959	\$	24,850,959	57043

392	440-618	Federal Public Health Programs	\$	136,778,215	\$	136,778,215	57044
TOTAL FED Federal Special Revenue							
Fund Group			\$	430,199,919	\$	430,199,919	57046
State Special Revenue Fund Group							
4D6	440-608	Genetics Services	\$	3,317,000	\$	3,317,000	57048
4F9	440-610	Sickle Cell Disease Control	\$	1,035,344	\$	1,035,344	57049
4G0	440-636	Heirloom Birth Certificate	\$	5,000	\$	5,000	57050
4G0	440-637	Birth Certificate Surcharge	\$	5,000	\$	5,000	57051
4L3	440-609	Miscellaneous Expenses	\$	446,468	\$	446,468	57052
4T4	440-603	Child Highway Safety	\$	233,894	\$	233,894	57053
4V6	440-641	Save Our Sight	\$	1,767,994	\$	1,767,994	57054
470	440-647	Fee Supported Programs	\$	27,946,243	\$	25,905,140	57055
471	440-619	Certificate of Need	\$	869,000	\$	898,000	57056
477	440-627	Medically Handicapped Children Audit	\$	3,693,016	\$	3,693,016	57057
5B5	440-616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	57058
5CB	440-640	Poison Control Centers	\$	150,000	\$	150,000	57059
5CN	440-645	Choose Life	\$	75,000	\$	75,000	57060
5C0	440-615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	57061
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951	57062
5EC	440-650	Health Emergency	\$	15,312,500	\$	0	57063
5ED	440-651	Smoke Free Indoor Air	\$	800,000	\$	800,000	57064
5G4	440-639	Adoption Services	\$	20,000	\$	20,000	57065
5L1	440-623	Nursing Facility Technical Assistance Program	\$	664,282	\$	698,595	57066
610	440-626	Radiation Emergency	\$	850,000	\$	850,000	57067

	Response					
666	440-607	Medically Handicapped	\$	14,320,687	\$ 14,320,687	57068
		Children - County				
		Assessments				
	TOTAL SSR	State Special Revenue				57069
	Fund Group		\$	74,860,263	\$ 57,569,973	57070
	Holding Account	Redistribution Fund Group				57071
R14	440-631	Vital Statistics	\$	70,000	\$ 70,000	57072
R48	440-625	Refunds, Grants	\$	20,000	\$ 20,000	57073
		Reconciliation, and				
		Audit Settlements				
	TOTAL 090	Holding Account				57074
	Redistribution	Fund Group	\$	90,000	\$ 90,000	57075
	TOTAL ALL BUDGET	FUND GROUPS	\$	621,028,762	\$ 611,809,857	57076

**Section 293.20.** CHILD AND FAMILY HEALTH SERVICES 57078

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. 57079  
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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. 57082  
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Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$1,900,000 in fiscal year 2008 and \$2,150,000 in fiscal year 2009 shall be used by federally qualified health centers and federally designated look-alikes to provide services to uninsured low-income persons. 57085  
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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 and adoption education. The Director of Health shall develop guidelines for the establishment of abstinence and adoption education programs for teenagers with the 57090  
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purpose of decreasing unplanned pregnancies and abortion. The 57095  
guidelines shall be developed pursuant to Title V of the "Social 57096  
Security Act," 42 U.S.C. 510, and shall include, but are not 57097  
limited to, advertising campaigns and direct training in schools 57098  
and other locations. 57099

Of the foregoing appropriation item 440-416, Child and Family 57100  
Health Services, \$10,000 in each fiscal year shall be allocated to 57101  
the Jewish Family Services in Cleveland, \$10,000 in each fiscal 57102  
year shall be allocated to the Jewish Family Services in 57103  
Cincinnati, \$10,000 shall be allocated in each fiscal year to the 57104  
Jewish Family Services in Columbus, and \$10,000 in each fiscal 57105  
year shall be allocated to the Wexner Heritage Village in Columbus 57106  
for interpreters for health care. 57107

Of the foregoing appropriation item 440-416, Child and Family 57108  
Health Services, \$10,000 in each fiscal year shall be provided to 57109  
the Jewish Family Services in Dayton, \$5,000 in each fiscal year 57110  
shall be provided to the Jewish Community Center in Akron, \$5,000 57111  
in each fiscal year shall be provided to the Jewish Community 57112  
Center in Sylvania, \$2,500 in each fiscal year shall be provided 57113  
to the Jewish Community Center in Youngstown, and \$2,500 in each 57114  
fiscal year shall be provided to the Jewish Community Center in 57115  
Canton. 57116

Of the foregoing appropriation item 440-416, Child and Family 57117  
Health Services, \$16,667 in each fiscal year shall be allocated to 57118  
the Yassenoff Jewish Community Center, \$16,667 in each fiscal year 57119  
shall be allocated to the Jewish Community Center in Cincinnati, 57120  
and \$16,666 in each fiscal year shall be allocated to the Jewish 57121  
Community Center in Cleveland for children's health and nutrition 57122  
camp programs. 57123

Of the foregoing appropriation item 440-416, Child and Family 57124  
Health Services, \$16,666 in each fiscal year shall be allocated to 57125  
the Athens Community Center. 57126

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$500,000 in fiscal year 2008 and \$300,000 in fiscal year 2009 shall be used for the establishment of the Autism Diagnosis Education Pilot Program. Not later than December 31, 2008, the Director of Health shall compile and submit to the Governor and the General Assembly a written report describing the action taken under the Autism Diagnosis Education Pilot Program since the effective date of this section. Not later than December 31, 2009, the Director shall compile and submit to the Governor and the General Assembly a written report describing the action taken under the Pilot Program since December 31, 2008.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$100,000 in each fiscal year shall be allocated to the Compdrug Teen Dating Violence Prevention Project in Franklin County.

Of the foregoing appropriation item, 440-416, Child and Family Health Services, \$2,500,000 in each fiscal year shall be used for breast and cervical cancer treatments.

**Section 293.25. COLLEGE PREGNANCY AND PARENTING OFFICES PILOT PROGRAM**

(A) As used in this section, "institution of higher education" means a public or private university or college in this state, including a community college or state community college.

(B) The Director of Health shall conduct a pilot program in fiscal year 2009 for the purpose of awarding grants to up to four institutions of higher education to establish and operate on a selected institution's campus an office that provides support to students who are pregnant or who are the parents or legal guardians of one or more minors. Planning for the pilot program shall commence in fiscal year 2008.

(C) An institution of higher education may apply for a grant 57157  
by completing and submitting an application form supplied by the 57158  
Director. The Director may require the institution to submit 57159  
additional information after the Director has reviewed the 57160  
application. 57161

(D) Before awarding a grant, the Director shall secure a 57162  
written agreement in which the proposed grantee commits to doing 57163  
all of the following: 57164

(1) Locating the office described in division (B) of this 57165  
section on the campus of the institution. 57166

(2) Assessing the institution's performance in both of the 57167  
following areas: 57168

(a) Offering health insurance plans to students that include 57169  
coverage for prenatal and postpartum care and riders for the 57170  
coverage of additional family members; 57171

(b) Providing services or items that meet the needs of 57172  
students who are pregnant or who are the parents or legal 57173  
guardians of one or more minors, including family housing, child 57174  
care, flexible or alternative academic scheduling, education 57175  
concerning responsible parenting and healthy marriages, maternity 57176  
and infant clothing, formula and baby food, and baby furniture. 57177

(3) Identifying and establishing programs with public and 57178  
private service providers located on campus and in the local 57179  
community that are qualified to meet the needs described in 57180  
division (D)(2)(b) of this section. 57181

(4) Assisting students in locating and obtaining services 57182  
that meet the needs described in division (D)(2)(b) of this 57183  
section. 57184

(5) Providing, on the request of an individual student, 57185  
referrals for prenatal care and delivery, infant or foster care, 57186

or adoption. The office shall make referrals only to persons or 57187  
governmental entities that primarily serve parents, prospective 57188  
parents awaiting adoption, pregnant women who plan to parent or 57189  
place a child for adoption, or married couples or couples that 57190  
plan on marrying in order to provide a supportive environment for 57191  
each other and one or more minors. 57192

(6) Providing, by a date determined by the Director, a 57193  
written report to the Director that itemizes the office's 57194  
expenditures during the fiscal year and meets the format or form 57195  
established by the Director under division (E) of this section. 57196

(7) Providing, after the Director's review of the report 57197  
described in division (D)(6) of this section, any additional 57198  
information requested by the Director. 57199

(E) The Director shall establish a format or form for the 57200  
written report that must be provided by an institution under 57201  
division (D)(6) of this section. In establishing the format or 57202  
form, the Director shall identify specific performance criteria 57203  
the institution must address in the report. 57204

(F) The Director may adopt any rules necessary to implement 57205  
this section. The rules shall be adopted in accordance with 57206  
Chapter 119. of the Revised Code. 57207

(G) Of the foregoing appropriation item 440-416, Child and 57208  
Family Health Services, \$50,000 in fiscal year 2009 shall be used 57209  
to make grants for the pilot program described in this section. 57210

**Section 293.30. HEALTHY OHIO** 57211

The Department of Health may use appropriation item 440-437, 57212  
Healthy Ohio, to complete an inventory of prevention programs so 57213  
that it may better target prevention funding, to fund programs to 57214  
decrease minority health disparities, and to fund care 57215  
coordination models to improve health outcomes for individuals 57216

with catastrophic health conditions.	57217
HIV/AIDS PREVENTION/TREATMENT	57218
Of the foregoing appropriation item 440-444, AIDS Prevention	57219
and Treatment, not more than \$6.7 million in each fiscal year	57220
shall be used to assist persons with HIV/AIDS in acquiring	57221
HIV-related medications.	57222
INFECTIOUS DISEASE PREVENTION	57223
The foregoing appropriation item 440-446, Infectious Disease	57224
Prevention, shall be used for the purchase of drugs for sexually	57225
transmitted diseases.	57226
HELP ME GROW	57227
The foregoing appropriation item 440-459, Help Me Grow, shall	57228
be used by the Department of Health to distribute subsidies to	57229
counties to implement the Help Me Grow Program. Appropriation item	57230
440-459, Help Me Grow, may be used in conjunction with Temporary	57231
Assistance for Needy Families from the Department of Job and	57232
Family Services, Early Intervention funding from the Department of	57233
Mental Retardation and Developmental Disabilities, and in	57234
conjunction with other early childhood funds and services to	57235
promote the optimal development of young children. Local contracts	57236
shall be developed between local departments of job and family	57237
services and family and children first councils for the	57238
administration of TANF funding for the Help Me Grow Program. The	57239
Department of Health shall enter into an interagency agreement	57240
with the Department of Education, Department of Mental Retardation	57241
and Developmental Disabilities, Department of Job and Family	57242
Services, and Department of Mental Health to ensure that all early	57243
childhood programs and initiatives are coordinated and school	57244
linked.	57245
TARGETED HEALTH CARE SERVICES OVER 21	57246

In each fiscal year, of the foregoing appropriation item 57247  
440-507, Targeted Health Care Services Over 21, \$731,023 shall be 57248  
used to administer the cystic fibrosis program and implement the 57249  
Hemophilia Insurance Premium Payment Program. 57250

Of the foregoing appropriation item 440-507, Targeted Health 57251  
Care Services Over 21, \$900,000 in each fiscal year shall be used 57252  
to provide essential medications and to pay the copayments for 57253  
drugs approved by the Department of Health and covered by Medicare 57254  
Part D that are dispensed to Bureau for Children with Medical 57255  
Handicaps (BCMh) participants for the cystic fibrosis program. 57256  
These funds also may be used, to the extent that funding is 57257  
available, to provide up to 18 in-patient hospital days for 57258  
participants in the cystic fibrosis program. The Department shall 57259  
expend all of these earmarked funds. 57260

UNCOMPENSATED CARE AND EMERGENCY MEDICAL 57261

The foregoing appropriation item 440-511, Uncompensated Care 57262  
and Emergency Medical Assistance, shall be used to fund programs 57263  
that provide health care without ability to pay. This is not an 57264  
entitlement program and services are offered only to the extent 57265  
that funding is available. 57266

MATERNAL CHILD HEALTH BLOCK GRANT 57267

Of the foregoing appropriation item 440-601, Maternal Child 57268  
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 57269  
fiscal year for the purposes of abstinence and adoption education. 57270  
The Director of Health shall develop guidelines for the 57271  
establishment of abstinence and adoption education programs for 57272  
teenagers with the purpose of decreasing unplanned pregnancies and 57273  
abortion. The guidelines shall be developed under Title V of the 57274  
"Social Security Act," 42 U.S.C. 510, and shall include, but are 57275  
not limited to, advertising campaigns and direct training in 57276  
schools and other locations. 57277

GENETICS SERVICES 57278

The foregoing appropriation item 440-608, Genetics Services 57279  
(Fund 4D6), shall be used by the Department of Health to 57280  
administer programs authorized by sections 3701.501 and 3701.502 57281  
of the Revised Code. None of these funds shall be used to counsel 57282  
or refer for abortion, except in the case of a medical emergency. 57283

MEDICALLY HANDICAPPED CHILDREN AUDIT 57284

The Medically Handicapped Children Audit Fund (Fund 477) 57285  
shall receive revenue from audits of hospitals and recoveries from 57286  
third-party payers. Moneys may be expended for payment of audit 57287  
settlements and for costs directly related to obtaining recoveries 57288  
from third-party payers and for encouraging Medically Handicapped 57289  
Children's Program recipients to apply for third-party benefits. 57290  
Moneys also may be expended for payments for diagnostic and 57291  
treatment services on behalf of medically handicapped children, as 57292  
defined in division (A) of section 3701.022 of the Revised Code, 57293  
and Ohio residents who are twenty-one or more years of age and who 57294  
are suffering from cystic fibrosis or hemophilia. Moneys may also 57295  
be expended for administrative expenses incurred in operating the 57296  
Medically Handicapped Children's Program. 57297

TRANSFER FROM STATE FIRE MARSHAL'S FUND (FUND 546) TO THE 57298  
POISON CONTROL FUND (FUND 5CB) IN THE DEPARTMENT OF HEALTH 57299

Notwithstanding section 3737.71 of the Revised Code, on July 57300  
1, 2007, or as soon as possible thereafter, the Director of Budget 57301  
and Management shall transfer \$150,000 cash from the State Fire 57302  
Marshal's Fund (Fund 546) in the Department of Commerce to the 57303  
Poison Control Fund (Fund 5CB) in the Department of Health, which 57304  
is hereby created. Notwithstanding section 3737.71 of the Revised 57305  
Code, on July 1, 2008, or as soon as possible thereafter, the 57306  
Director of Budget and Management shall transfer \$150,000 cash 57307  
from the State Fire Marshal's Fund (Fund 546) in the Department of 57308

Commerce to the Poison Control Fund (Fund 5CB) in the Department of Health.	57309 57310
POISON CONTROL CENTERS	57311
Of the foregoing appropriation item 440-640, Poison Control Centers, in each fiscal year, the poison control centers in the municipal corporations of Cleveland, Cincinnati, and Columbus shall each receive an allocation of \$50,000.	57312 57313 57314 57315
Of the foregoing appropriation item 440-620, Second Chance Trust (Fund 5D6), \$52,000 in fiscal year 2008 shall be earmarked for the Central Ohio Lions Eye Bank.	57316 57317 57318
CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND PERMIT FUND	57319 57320
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.	57321 57322 57323 57324 57325 57326
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.	57327 57328 57329 57330
MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS	57331
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.	57332 57333 57334 57335
<b>Section 293.40.</b> NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM	57336
The Director of Budget and Management shall transfer, on July	57337

1, 2007, or as soon as possible thereafter, cash from Fund 4E3, 57338  
 Resident Protection Fund, in the Ohio Department of Job and Family 57339  
 Services, to Fund 5L1, Nursing Facility Technical Assistance 57340  
 Program Fund, in the Ohio Department of Health, to be used under 57341  
 section 3721.026 of the Revised Code. The transfers shall equal 57342  
 \$410,111 in fiscal year 2008 and \$698,595 in fiscal year 2009. 57343

CASH TRANSFER FROM FEDERAL PUBLIC HEALTH PROGRAMS FUND TO 57344  
 AGENCY HEALTH SERVICES FUND 57345

As soon as possible on or after July 1, 2007, the Director of 57346  
 Health shall certify to the Director of Budget and Management the 57347  
 amount of cash to be transferred from the Federal Public Health 57348  
 Programs Fund (Fund 392) to the Agency Health Services Fund (Fund 57349  
 142) to meet the operating needs of the Vital Statistics Program. 57350  
 The Director of Budget and Management shall transfer the amount 57351  
 certified. 57352

**Section 295.10.** HEF HIGHER EDUCATIONAL FACILITY COMMISSION 57353

Agency Fund Group 57354  
 461 372-601 Operating Expenses \$ 16,819 \$ 16,819 57355  
 TOTAL AGY Agency Fund Group \$ 16,819 \$ 16,819 57356  
 TOTAL ALL BUDGET FUND GROUPS \$ 16,819 \$ 16,819 57357

**Section 297.10.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 57359

General Revenue Fund 57360  
 GRF 148-100 Personal Services \$ 160,121 \$ 167,156 57361  
 GRF 148-200 Maintenance \$ 40,000 \$ 40,000 57362  
 GRF 148-402 Community Projects \$ 500,000 \$ 500,000 57363  
 TOTAL GRF General Revenue Fund \$ 700,121 \$ 707,156 57364  
 General Services Fund Group 57365  
 601 148-602 Gifts and \$ 20,000 \$ 20,000 57366  
 Miscellaneous

TOTAL GSF General Services				57367
Fund Group	\$	20,000	\$ 20,000	57368
TOTAL ALL BUDGET FUND GROUPS	\$	720,121	\$ 727,156	57369

**Section 299.10. OHS OHIO HISTORICAL SOCIETY** 57371

General Revenue Fund				57372
GRF 360-501 Operating Subsidy	\$	3,349,244	\$ 3,349,252	57373
GRF 360-502 Site and Museum	\$	8,401,781	\$ 8,401,788	57374
Operations				
GRF 360-504 Ohio Preservation	\$	417,516	\$ 415,381	57375
Office				
GRF 360-505 National Afro-American	\$	754,884	\$ 754,884	57376
Museum				
GRF 360-506 Hayes Presidential	\$	509,231	\$ 509,231	57377
Center				
GRF 360-508 State Historical	\$	175,000	\$ 175,000	57378
Grants				
TOTAL GRF General Revenue Fund	\$	13,607,656	\$ 13,605,536	57379
TOTAL ALL BUDGET FUND GROUPS	\$	13,607,656	\$ 13,605,536	57380

**SUBSIDY APPROPRIATION** 57381

Upon approval by the Director of Budget and Management, the 57382  
foregoing appropriation items shall be released to the Ohio 57383  
Historical Society in quarterly amounts that in total do not 57384  
exceed the annual appropriations. The funds and fiscal records of 57385  
the society for fiscal years 2008 and 2009 shall be examined by 57386  
independent certified public accountants approved by the Auditor 57387  
of State, and a copy of the audited financial statements shall be 57388  
filed with the Office of Budget and Management. The society shall 57389  
prepare and submit to the Office of Budget and Management the 57390  
following: 57391

(A) An estimated operating budget for each fiscal year of the 57392  
biennium. The operating budget shall be submitted at or near the 57393

beginning of each calendar year. 57394

(B) Financial reports, indicating actual receipts and 57395  
expenditures for the fiscal year to date. These reports shall be 57396  
filed at least semiannually during the fiscal biennium. 57397

The foregoing appropriations shall be considered to be the 57398  
contractual consideration provided by the state to support the 57399  
state's offer to contract with the Ohio Historical Society under 57400  
section 149.30 of the Revised Code. 57401

HAYES PRESIDENTIAL CENTER 57402

If a United States government agency, including, but not 57403  
limited to, the National Park Service, chooses to take over the 57404  
operations or maintenance of the Hayes Presidential Center, in 57405  
whole or in part, the Ohio Historical Society shall make 57406  
arrangements with the National Park Service or other United States 57407  
government agency for the efficient transfer of operations or 57408  
maintenance. 57409

HISTORICAL GRANTS 57410

Of the foregoing appropriation item 360-508, State Historical 57411  
Grants, \$75,000 in each fiscal year shall be distributed to the 57412  
Center for Holocaust and Humanity Education located at the Hebrew 57413  
Union College-Jewish Institute of Religion in Cincinnati, \$50,000 57414  
in each fiscal year shall be distributed to the Western Reserve 57415  
Historical Society, and \$50,000 in each fiscal year shall be 57416  
distributed to the Cincinnati Museum Center. 57417

PROCESSING FEES 57418

The Ohio Historical Society shall not charge or retain an 57419  
administrative, service, or processing fee for distributing money 57420  
that the General Assembly appropriates to the Society for grants 57421  
or subsidies that the Society provides to other entities for their 57422  
site-related programs. 57423

Section 301.10. REP OHIO HOUSE OF REPRESENTATIVES				57424	
General Revenue Fund				57425	
GRF 025-321 Operating Expenses	\$	20,574,568	\$	20,574,568	57426
TOTAL GRF General Revenue Fund	\$	20,574,568	\$	20,574,568	57427
General Services Fund Group				57428	
103 025-601 House Reimbursement	\$	1,433,664	\$	1,433,664	57429
4A4 025-602 Miscellaneous Sales	\$	37,849	\$	37,849	57430
TOTAL GSF General Services				57431	
Fund Group	\$	1,471,513	\$	1,471,513	57432
TOTAL ALL BUDGET FUND GROUPS	\$	22,046,081	\$	22,046,081	57433
OPERATING EXPENSES				57434	
On July 1, 2007, or as soon as possible thereafter, the Chief				57435	
Administrative Officer of the House of Representatives shall				57436	
certify to the Director of Budget and Management the total fiscal				57437	
year 2007 unencumbered appropriations in appropriation item				57438	
025-321, Operating Expenses. The Chief Administrative Officer may				57439	
direct the Director of Budget and Management to transfer an amount				57440	
not to exceed the total fiscal year 2007 unencumbered				57441	
appropriations to fiscal year 2008 for use within appropriation				57442	
item 025-321, Operating Expenses. Additional appropriation				57443	
authority equal to the amount certified by the Chief				57444	
Administrative Officer is hereby appropriated to appropriation				57445	
item 025-321, Operating Expenses, in fiscal year 2008.				57446	
On July 1, 2008, or as soon as possible thereafter, the Chief				57447	
Administrative Officer of the House of Representatives shall				57448	
certify to the Director of Budget and Management the total fiscal				57449	
year 2008 unencumbered appropriations in appropriation item				57450	
025-321, Operating Expenses. The Chief Administrative Officer may				57451	
direct the Director of Budget and Management to transfer an amount				57452	
not to exceed the total fiscal year 2008 unencumbered				57453	
appropriations to fiscal year 2009 for use within appropriation				57454	

item 025-321, Operating Expenses. Additional appropriation 57455  
 authority equal to the amount certified by the Chief 57456  
 Administrative Officer is hereby appropriated to appropriation 57457  
 item 025-321, Operating Expenses, in fiscal year 2009. 57458

**Section 303.10. HFA OHIO HOUSING FINANCE AGENCY 57459**

Agency Fund Group 57460  
 5AZ 997-601 Housing Finance Agency \$ 9,750,953 \$ 10,237,491 57461  
     Personal Services  
 TOTAL AGY Agency Fund Group \$ 9,750,953 \$ 10,237,491 57462  
 TOTAL ALL BUDGET FUND GROUPS \$ 9,750,953 \$ 10,237,491 57463

**Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL 57465**

General Revenue Fund 57466  
 GRF 965-321 Operating Expenses \$ 1,367,372 \$ 1,437,901 57467  
 TOTAL GRF General Revenue Fund \$ 1,367,372 \$ 1,437,901 57468  
 General Services Fund Group 57469  
 4Z3 965-602 Special Investigations \$ 425,000 \$ 425,000 57470  
 TOTAL GSF General Services Fund \$ 425,000 \$ 425,000 57471  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,792,372 \$ 1,862,901 57472

**Section 307.10. INS DEPARTMENT OF INSURANCE 57474**

Federal Special Revenue Fund Group 57475  
 3U5 820-602 OSHIIP Operating Grant \$ 1,100,000 \$ 1,100,000 57476  
 TOTAL FED Federal Special 57477  
 Revenue Fund Group \$ 1,100,000 \$ 1,100,000 57478  
 State Special Revenue Fund Group 57479  
 554 820-601 Operating Expenses - \$ 553,750 \$ 569,269 57480  
     OSHIIP  
 554 820-606 Operating Expenses \$ 23,350,236 \$ 23,802,797 57481

555 820-605 Examination	\$	7,639,581	\$	7,868,768	57482
TOTAL SSR State Special Revenue					57483
Fund Group	\$	31,543,567	\$	32,240,834	57484
TOTAL ALL BUDGET FUND GROUPS	\$	32,643,567	\$	33,340,834	57485
MARKET CONDUCT EXAMINATION					57486
When conducting a market conduct examination of any insurer					57487
doing business in this state, the Superintendent of Insurance may					57488
assess the costs of the examination against the insurer. The					57489
superintendent may enter into consent agreements to impose					57490
administrative assessments or fines for conduct discovered that					57491
may be violations of statutes or rules administered by the					57492
superintendent. All costs, assessments, or fines collected shall					57493
be deposited to the credit of the Department of Insurance					57494
Operating Fund (Fund 554).					57495
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES					57496
The Director of Budget and Management, at the request of the					57497
Superintendent of Insurance, may transfer funds from the					57498
Department of Insurance Operating Fund (Fund 554), established by					57499
section 3901.021 of the Revised Code, to the Superintendent's					57500
Examination Fund (Fund 555), established by section 3901.071 of					57501
the Revised Code, only for expenses incurred in examining domestic					57502
fraternal benefit societies as required by section 3921.28 of the					57503
Revised Code.					57504
TRANSFER FROM FUND 554 TO GENERAL REVENUE FUND					57505
Not later than the thirty-first day of July each fiscal year,					57506
the Director of Budget and Management shall transfer \$5,000,000					57507
from the Department of Insurance Operating Fund to the General					57508
Revenue Fund.					57509
<b>Section 309.10.</b> JFS DEPARTMENT OF JOB AND FAMILY SERVICES					57510
General Revenue Fund					57511

GRF 600-321	Support Services				57512
	State	\$	50,710,978	\$	52,496,413
	Federal	\$	10,460,286	\$	11,290,237
	Support Services Total	\$	61,171,264	\$	63,786,650
GRF 600-410	TANF State	\$	272,619,061	\$	272,619,061
GRF 600-413	Child Care	\$	84,120,596	\$	84,120,596
	Match/Maintenance of				
	Effort				
GRF 600-416	Computer Projects				57518
	State	\$	115,701,181	\$	116,419,033
	Federal	\$	21,548,144	\$	21,192,117
	Computer Projects Total	\$	137,249,325	\$	137,611,150
GRF 600-420	Child Support	\$	8,541,446	\$	10,641,446
	Administration				
GRF 600-421	Office of Family	\$	4,614,932	\$	4,614,932
	Stability				
GRF 600-423	Office of Children and	\$	5,650,000	\$	5,900,000
	Families				
GRF 600-425	Office of Ohio Health				57525
	Plans				
	State	\$	22,500,000	\$	22,500,000
	Federal	\$	23,324,848	\$	23,418,368
	Office of Ohio Health	\$	45,824,848	\$	45,918,368
	Plans Total				
GRF 600-502	Administration - Local	\$	34,014,103	\$	34,014,103
GRF 600-511	Disability Financial	\$	24,028,480	\$	25,335,908
	Assistance				
GRF 600-512	Non-TANF Disaster	\$	1,000,000	\$	1,000,000
	Assistance				
GRF 600-521	Entitlement	\$	130,000,000	\$	130,000,000
	Administration - Local				
GRF 600-523	Children and Families	\$	78,515,135	\$	78,515,135
	Services				

GRF 600-525	Health Care/Medicaid			57534
	State	\$ 3,428,852,719	\$ 3,558,124,242	57535
	Federal	\$ 5,205,558,695	\$ 5,707,943,410	57536
	Health Care Total	\$ 8,634,411,414	\$ 9,266,067,652	57537
GRF 600-526	Medicare Part D	\$ 254,397,401	\$ 271,854,640	57538
GRF 600-528	Adoption Services			57539
	State	\$ 40,043,266	\$ 43,978,301	57540
	Federal	\$ 44,081,243	\$ 49,196,065	57541
	Adoption Services Total	\$ 84,124,509	\$ 93,174,366	57542
TOTAL GRF	General Revenue Fund			57543
	State	\$ 4,555,309,298	\$ 4,712,133,810	57544
	Federal	\$ 5,304,973,216	\$ 5,813,040,197	57545
	GRF Total	\$ 9,860,282,514	\$10,525,174,007	57546
General Services Fund Group				57547
4A8 600-658	Child Support Collections	\$ 26,680,794	\$ 26,680,794	57548
4R4 600-665	BCII Services/Fees	\$ 36,974	\$ 36,974	57549
5BG 600-653	Managed Care Assessment	\$ 210,655,034	\$ 222,667,304	57550
5C9 600-671	Medicaid Program Support	\$ 80,120,048	\$ 80,120,048	57551
5DL 600-639	Medicaid Revenue and Collections	\$ 51,966,785	\$ 56,296,844	57552
5N1 600-677	County Technologies	\$ 1,000,000	\$ 1,000,000	57553
5P5 600-692	Health Care Services	\$ 93,000,000	\$ 62,000,000	57554
613 600-645	Training Activities	\$ 135,000	\$ 135,000	57555
TOTAL GSF	General Services Fund Group			57556
		\$ 463,594,635	\$ 448,936,964	57557
Federal Special Revenue Fund Group				57558
3AW 600-675	Faith Based Initiatives	\$ 1,000,000	\$ 1,000,000	57559
3A2 600-641	Emergency Food	\$ 2,900,000	\$ 3,500,000	57560

		Distribution				
3D3	600-648	Children's Trust Fund	\$	2,040,524	\$	2,040,524 57561
		Federal				
3F0	600-623	Health Care Federal	\$	1,209,188,383	\$	1,211,196,561 57562
3F0	600-650	Hospital Care	\$	343,239,047	\$	343,239,047 57563
		Assurance Match				
3G5	600-655	Interagency	\$	1,469,763,073	\$	1,513,855,965 57564
		Reimbursement				
3H7	600-617	Child Care Federal	\$	207,269,463	\$	200,167,593 57565
3N0	600-628	IV-E Foster Care	\$	153,963,142	\$	153,963,142 57566
		Maintenance				
3S5	600-622	Child Support Projects	\$	534,050	\$	534,050 57567
3V0	600-688	Workforce Investment	\$	232,568,453	\$	233,082,144 57568
		Act				
3V4	600-678	Federal Unemployment	\$	147,411,858	\$	152,843,414 57569
		Programs				
3V4	600-679	Unemployment	\$	3,092,890	\$	3,191,862 57570
		Compensation Review				
		Commission - Federal				
3V6	600-689	TANF Block Grant	\$	1,037,739,200	\$	1,085,861,099 57571
3W3	600-659	TANF/Title XX Transfer	\$	9,782,101	\$	6,200,000 57572
327	600-606	Child Welfare	\$	48,514,502	\$	47,947,309 57573
331	600-686	Federal Operating	\$	53,963,318	\$	56,263,225 57574
384	600-610	Food Stamps and State	\$	160,237,060	\$	153,147,118 57575
		Administration				
385	600-614	Refugee Services	\$	10,196,547	\$	11,057,826 57576
395	600-616	Special	\$	5,723,131	\$	5,717,151 57577
		Activities/Child and				
		Family Services				
396	600-620	Social Services Block	\$	114,479,464	\$	114,474,085 57578
		Grant				
396	600-651	Second Harvest Food	\$	5,500,000	\$	5,500,000 57579
		Banks				

397	600-626	Child Support	\$	303,661,307	\$	303,538,962	57580
398	600-627	Adoption Maintenance/ Administration	\$	318,172,168	\$	317,483,676	57581
TOTAL FED Federal Special Revenue							57582
Fund Group			\$	5,840,939,681	\$	5,925,804,753	57583
State Special Revenue Fund Group							57584
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522	57585
4A9	600-607	Unemployment Compensation Administration Fund	\$	12,273,062	\$	12,188,996	57586
4A9	600-694	Unemployment Compensation Review Commission	\$	1,726,938	\$	1,811,004	57587
4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914	57588
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000	57589
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984	57590
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	57591
4K1	600-621	ICF/MR Bed Assessments	\$	19,332,437	\$	19,332,437	57592
4R3	600-687	Banking Fees	\$	800,000	\$	800,000	57593
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	57594
5DB	600-637	Military Injury Grants	\$	2,000,000	\$	2,000,000	57595
5ES	600-630	Food Assistance	\$	500,000	\$	500,000	57596
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000	57597
5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000	57598
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	57599
5R2	600-608	Medicaid-Nursing Facilities	\$	175,000,000	\$	175,000,000	57600
5S3	600-629	MR/DD Medicaid	\$	1,620,960	\$	1,620,960	57601

	Administration and Oversight					
5U3	600-654 Health Care Services Administration	\$	9,867,284	\$	12,000,349	57602
5U6	600-663 Children and Family Support	\$	4,928,718	\$	4,928,718	57603
5Z9	600-672 TANF Quality Control Reinvestments	\$	520,971	\$	546,254	57604
651	600-649 Hospital Care Assurance Program Fund	\$	231,893,404	\$	231,893,404	57605
	TOTAL SSR State Special Revenue					57606
	Fund Group	\$	590,002,192	\$	592,160,540	57607
	Agency Fund Group					57608
192	600-646 Support Intercept - Federal	\$	110,000,000	\$	110,000,000	57609
5B6	600-601 Food Stamp Intercept	\$	2,000,000	\$	2,000,000	57610
583	600-642 Support Intercept - State	\$	16,000,000	\$	16,000,000	57611
	TOTAL AGY Agency Fund Group	\$	128,000,000	\$	128,000,000	57612
	Holding Account Redistribution Fund Group					57613
R12	600-643 Refunds and Audit Settlements	\$	3,600,000	\$	3,600,000	57614
R13	600-644 Forgery Collections	\$	10,000	\$	10,000	57615
	TOTAL 090 Holding Account Redistribution Fund Group	\$	3,610,000	\$	3,610,000	57616
	TOTAL ALL BUDGET FUND GROUPS	\$	16,886,429,022	\$	17,623,686,264	57617
	<b>Section 309.20. SUPPORT SERVICES</b>					57619
	<b>Section 309.20.10. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES</b>					57620
	Of the foregoing appropriation item 600-321, Support					57621
						57622

Services, up to \$312,500 per fiscal year may be used to support 57623  
the activities of the Governor's Office of Faith-Based and 57624  
Community Initiatives. 57625

**Section 309.20.30. AGENCY FUND GROUP** 57626

The Agency Fund Group and Holding Account Redistribution Fund 57627  
Group shall be used to hold revenues until the appropriate fund is 57628  
determined or until the revenues are directed to the appropriate 57629  
governmental agency other than the Department of Job and Family 57630  
Services. If it is determined that additional appropriation 57631  
authority is necessary, such amounts are hereby appropriated. 57632

**Section 309.30. MEDICAID** 57633

**Section 309.30.10. HEALTH CARE/MEDICAID** 57634

The foregoing appropriation item 600-525, Health 57635  
Care/Medicaid, shall not be limited by section 131.33 of the 57636  
Revised Code. 57637

**Section 309.30.13. CHILDREN'S HOSPITALS** 57638

The Department of Job and Family Services shall submit to the 57639  
United States Secretary of Health and Human Services an amendment 57640  
to the State Medicaid Plan for the purpose of requesting federal 57641  
approval to create a program under which the Department makes 57642  
supplemental Medicaid payments to children's hospitals for 57643  
inpatient services based on federal upper payment limits for 57644  
children's hospitals. On receipt of federal approval, the 57645  
Department shall implement the program. Under the program, the 57646  
Department shall pay children's hospitals the federally allowable 57647  
supplemental payment for hospital discharges qualifying for the 57648  
program and occurring in fiscal year 2008 and fiscal year 2009. 57649

Of the foregoing appropriation item, 600-525, Health 57650

Care/Medicaid, up to \$6 million (state share) in each fiscal year 57651  
plus the corresponding federal match, if available, shall be used 57652  
by the Department to pay the expenses of the program created under 57653  
this section. 57654

**Section 309.30.16. MEDICAID RESERVE FUND** 57655

The Medicaid Reserve Fund is hereby created in the state 57656  
treasury. 57657

Not later than July 31, 2007, or as soon as possible 57658  
thereafter, the Director of Budget and Management shall transfer, 57659  
for fiscal year 2008, \$100,000,000 in cash from the General 57660  
Revenue Fund to the Medicaid Reserve Fund. 57661

If at any time during fiscal year 2008 the Director of Budget 57662  
and Management determines that additional appropriations are 57663  
needed in appropriation item 600-525, Health Care/Medicaid, to 57664  
fund the Medicaid Program, the Director of Budget and Management 57665  
may submit a request to the Controlling Board to transfer cash 57666  
from the Medicaid Reserve Fund. The request shall state the 57667  
reasons for the transfer and the additional amounts being 57668  
requested. The request shall be submitted at a regularly scheduled 57669  
meeting of the Controlling Board. If the Controlling Board 57670  
approves the transfer, the Director of Budget and Management shall 57671  
transfer the approved amount of cash from the Medicaid Reserve 57672  
Fund to the General Revenue Fund and increase the state share of 57673  
appropriations in appropriation item 600-525, Health 57674  
Care/Medicaid, and adjust the federal share accordingly. Any such 57675  
transfers and adjustments are hereby appropriated. 57676

At the end of fiscal year 2008, the Director of Budget and 57677  
Management shall transfer from the Medicaid Reserve Fund all the 57678  
cash balance, including any interest earnings, in excess of any 57679  
transfers approved by the Controlling Board to the credit of the 57680  
General Revenue Fund. The Director of Budget and Management shall 57681

make transfers to the Budget Stabilization Fund or the Income Tax 57682  
Reduction Fund in accordance with section 131.44 of the Revised 57683  
Code. 57684

Not later than July 31, 2008, or as soon as possible 57685  
thereafter, the Director of Budget and Management shall transfer, 57686  
for fiscal year 2009, \$185,000,000 in cash from the General 57687  
Revenue Fund to the Medicaid Reserve Fund. 57688

If at any time during fiscal year 2009 the Director of Budget 57689  
and Management determines that additional appropriations are 57690  
needed in appropriation item 600-525, Health Care/Medicaid, to 57691  
fund the Medicaid Program, the Director of Budget and Management 57692  
may submit a request to the Controlling Board to transfer cash 57693  
from the Medicaid Reserve Fund. The request shall state the 57694  
reasons for the transfer and the additional amounts being 57695  
requested. The request shall be submitted at a regularly scheduled 57696  
meeting of the Controlling Board. If the Controlling Board 57697  
approves the transfer, the Director of Budget and Management shall 57698  
transfer the approved amount of cash from the Medicaid Reserve 57699  
Fund to the General Revenue Fund and increase the state share of 57700  
appropriations in appropriation item 600-525, Health 57701  
Care/Medicaid, and adjust the federal share accordingly. Any such 57702  
transfers and adjustments are hereby appropriated. 57703

At the end of fiscal year 2009, the Director of Budget and 57704  
Management shall transfer from the Medicaid Reserve Fund all the 57705  
cash balance, including any interest earnings, in excess of any 57706  
transfers approved by the Controlling Board to the credit of the 57707  
General Revenue Fund. The Director of Budget and Management shall 57708  
make transfers to the Budget Stabilization Fund and the Income Tax 57709  
Reduction Fund in accordance with section 131.44 of the Revised 57710  
Code. 57711

**Section 309.30.20. FISCAL YEAR 2008 MEDICAID REIMBURSEMENT** 57712

SYSTEM FOR NURSING FACILITIES	57713
(A) As used in this section:	57714
"Franchise permit fee," "Medicaid days," "nursing facility," and "provider" have the same meanings as in section 5111.20 of the Revised Code.	57715 57716 57717
"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.	57718 57719 57720 57721
(B) Except as otherwise provided by this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2007, and a valid Medicaid provider agreement during fiscal year 2008 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2008, the rate calculated for the nursing facility under sections 5111.20 to 5111.33 of the Revised Code with the following adjustments:	57722 57723 57724 57725 57726 57727 57728 57729
(1) The cost per case mix-unit calculated under section 5111.231 of the Revised Code, the rate for ancillary and support costs calculated under section 5111.24 of the Revised Code, the rate for capital costs calculated under section 5111.25 of the Revised Code, and the rate for tax costs calculated under section 5111.242 of the Revised Code shall each be adjusted as follows:	57730 57731 57732 57733 57734 57735
(a) Increase the cost and rates so calculated by two per cent;	57736 57737
(b) Increase the cost and rates determined under division (B)(1)(a) of this section by two per cent;	57738 57739
(c) Increase the cost and rates determined under division (B)(1)(b) of this section by two and eight-tenths per cent.	57740 57741
(2) The mean payment used in the calculation of the quality	57742

incentive payment made under section 5111.244 of the Revised Code 57743  
shall be, weighted by Medicaid days, three dollars and six cents 57744  
per Medicaid day. 57745

(C) If the rate determined for a nursing facility under 57746  
division (B) of this section for nursing facility services 57747  
provided during fiscal year 2008 is more than one hundred three 57748  
and fifty-five one-hundredths per cent of the rate the provider is 57749  
paid for nursing facility services the nursing facility provides 57750  
on June 30, 2007, the Department of Job and Family Services shall 57751  
reduce the nursing facility's fiscal year 2008 rate so that the 57752  
rate is not more than one hundred three and fifty-five hundredths 57753  
per cent of the nursing facility's rate for June 30, 2007. If the 57754  
rate determined for a nursing facility under division (B) of this 57755  
section for nursing facility services provided during fiscal year 57756  
2008 is less than the rate the provider is paid for nursing 57757  
facility services the nursing facility provides on June 30, 2007, 57758  
the Department shall increase the nursing facility's fiscal year 57759  
2008 rate so that the rate is not less than the nursing facility's 57760  
rate for June 30, 2007. 57761

(D) If the United States Centers for Medicare and Medicaid 57762  
Services requires that the franchise permit fee be reduced or 57763  
eliminated, the Department of Job and Family Services shall reduce 57764  
the amount it pays providers of nursing facility services under 57765  
this section as necessary to reflect the loss to the state of the 57766  
revenue and federal financial participation generated from the 57767  
franchise permit fee. 57768

(E) The Department of Job and Family Services shall follow 57769  
this section in determining the rate to be paid to the provider of 57770  
a nursing facility that has a valid Medicaid provider agreement on 57771  
June 30, 2007, and a valid Medicaid provider agreement during 57772  
fiscal year 2008 notwithstanding anything to the contrary in 57773  
sections 5111.20 to 5111.33 of the Revised Code. 57774

Section 309.30.30. FISCAL YEAR 2009 MEDICAID REIMBURSEMENT	57775
SYSTEM FOR NURSING FACILITIES	57776
(A) As used in this section:	57777
"Franchise permit fee," "Medicaid days," "nursing facility,"	57778
and "provider" have the same meanings as in section 5111.20 of the	57779
Revised Code.	57780
"Nursing facility services" means nursing facility services	57781
covered by the Medicaid program that a nursing facility provides	57782
to a resident of the nursing facility who is a Medicaid recipient	57783
eligible for Medicaid-covered nursing facility services.	57784
(B) Except as otherwise provided by this section, the	57785
provider of a nursing facility that has a valid Medicaid provider	57786
agreement on June 30, 2008, and a valid Medicaid provider	57787
agreement during fiscal year 2009 shall be paid, for nursing	57788
facility services the nursing facility provides during fiscal year	57789
2009, the rate calculated for the nursing facility under sections	57790
5111.20 to 5111.33 of the Revised Code with the following	57791
adjustments:	57792
(1) The cost per case mix-unit calculated under section	57793
5111.231 of the Revised Code, the rate for ancillary and support	57794
costs calculated under section 5111.24 of the Revised Code, the	57795
rate for capital costs calculated under section 5111.25 of the	57796
Revised Code, and the rate for tax costs calculated under section	57797
5111.242 of the Revised Code shall each be adjusted as follows:	57798
(a) Increase the cost and rates so calculated by two per	57799
cent;	57800
(b) Increase the cost and rates determined under division	57801
(B)(1)(a) of this section by two per cent;	57802
(c) Increase the cost and rates determined under division	57803
(B)(1)(b) of this section by two and eight-tenths per cent;	57804

(d) Increase the cost and rates determined under division 57805  
(B)(1)(c) of this section by one half of a per cent. 57806

(2) The mean payment used in the calculation of the quality 57807  
incentive payment made under section 5111.244 of the Revised Code 57808  
shall be, weighted by Medicaid days, three dollars and twelve 57809  
cents per Medicaid day. 57810

(C) If the rate determined for a nursing facility under 57811  
division (B) of this section for nursing facility services 57812  
provided during fiscal year 2009 is more than the rate the 57813  
provider is paid for nursing facility services the nursing 57814  
facility provides on June 30, 2008, the Department of Job and 57815  
Family Services shall reduce the nursing facility's fiscal year 57816  
2009 rate so that the rate is not more than the nursing facility's 57817  
rate for June 30, 2008. If the rate determined for a nursing 57818  
facility under division (B) of this section for nursing facility 57819  
services provided during fiscal year 2009 is less than the rate 57820  
the provider is paid for nursing facility services the nursing 57821  
facility provides on June 30, 2008, the Department shall increase 57822  
the nursing facility's fiscal year 2009 rate so that the rate is 57823  
not less than the nursing facility's rate for June 30, 2008. 57824

(D) If the United States Centers for Medicare and Medicaid 57825  
Services requires that the franchise permit fee be reduced or 57826  
eliminated, the Department of Job and Family Services shall reduce 57827  
the amount it pays providers of nursing facility services under 57828  
this section as necessary to reflect the loss to the state of the 57829  
revenue and federal financial participation generated from the 57830  
franchise permit fee. 57831

(E) The Department of Job and Family Services shall follow 57832  
this section in determining the rate to be paid to the provider of 57833  
a nursing facility that has a valid Medicaid provider agreement on 57834  
June 30, 2008, and a valid Medicaid provider agreement during 57835  
fiscal year 2009 notwithstanding anything to the contrary in 57836

sections 5111.20 to 5111.33 of the Revised Code.	57837
<b>Section 309.30.40.</b> FISCAL YEARS 2008 AND 2009 MEDICAID	57838
REIMBURSEMENT SYSTEM FOR ICFs/MR	57839
(A) As used in this section:	57840
"Intermediate care facility for the mentally retarded" has	57841
the same meaning as in section 5111.20 of the Revised Code.	57842
"Medicaid days" means all days during which a resident who is	57843
a Medicaid recipient occupies a bed in an intermediate care	57844
facility for the mentally retarded that is included in the	57845
facility's Medicaid-certified capacity. Therapeutic or hospital	57846
leave days for which payment is made under section 5111.33 of the	57847
Revised Code are considered Medicaid days proportionate to the	57848
percentage of the intermediate care facility for the mentally	57849
retarded's per resident per day rate paid for those days.	57850
"Per diem rate" means the per diem rate calculated pursuant	57851
to sections 5111.20 to 5111.33 of the Revised Code.	57852
(B) Notwithstanding sections 5111.20 to 5111.33 of the	57853
Revised Code, rates paid to intermediate care facilities for the	57854
mentally retarded under the Medicaid program shall be subject to	57855
the following limitations:	57856
(1) For fiscal year 2008, the mean total per diem rate for	57857
all intermediate care facilities for the mentally retarded in the	57858
state, weighted by May 2007 Medicaid days and calculated as of	57859
July 1, 2007, shall not exceed \$266.14.	57860
(2) For fiscal year 2009, the mean total per diem rate for	57861
all intermediate care facilities for the mentally retarded in the	57862
state, weighted by May 2008 Medicaid days and calculated as of	57863
July 1, 2008, shall not exceed \$271.46.	57864
(3) If the mean total per diem rate for all intermediate care	57865
facilities for the mentally retarded in the state for fiscal year	57866

2008 or 2009, weighted by Medicaid days as specified in division 57867  
(B)(1) or (2) of this section, as appropriate, and calculated as 57868  
of the first day of July of the calendar year in which the fiscal 57869  
year begins, exceeds the amount specified in division (B)(1) or 57870  
(2) of this section, as applicable, the Department of Job and 57871  
Family Services shall reduce the total per diem rate for each 57872  
intermediate care facility for the mentally retarded in the state 57873  
by a percentage that is equal to the percentage by which the mean 57874  
total per diem rate exceeds the amount specified in division 57875  
(B)(1) or (2) of this section for that fiscal year. 57876

(4) Subsequent to any reduction required by division (B)(3) 57877  
of this section, the rate of an intermediate care facility for the 57878  
mentally retarded shall not be subject to any adjustments 57879  
authorized by sections 5111.20 to 5111.33 of the Revised Code 57880  
during the remainder of the year. 57881

**Section 309.30.45. INCREASE IN MEDICAID RATES FOR PASSPORT 57882**  
SERVICES 57883

As used in this section, "PASSPORT program" means the program 57884  
created under section 173.40 of the Revised Code. 57885

The Director of Job and Family Services shall amend the rules 57886  
adopted under section 5111.85 of the Revised Code as necessary to 57887  
accomplish the following: 57888

(A) Increase, for fiscal year 2008, the Medicaid 57889  
reimbursement rates for services provided under the PASSPORT 57890  
program to rates that result in an amount that is three per cent 57891  
higher than the amount resulting from the rates in effect June 30, 57892  
2007. 57893

(B) Increase, for fiscal year 2009, the Medicaid 57894  
reimbursement rates for services provided under the PASSPORT 57895  
program to rates that result in an amount that is three per cent 57896

higher than the amount resulting from the rates in effect June 30, 57897  
2008. 57898

**Section 309.30.50. HOME FIRST PROGRAM** 57899

(A) As used in this section: 57900

(1) "Area agency on aging" has the same meaning as in section 57901  
173.14 of the Revised Code. 57902

(2) "Long-Term Care Consultation Program" means the program 57903  
the Department of Aging is required to develop under section 57904  
173.42 of the Revised Code. 57905

(3) "Long-Term Care Consultation Program administrator" or 57906  
"administrator" means the Department of Aging or, if the 57907  
Department contracts with an area agency on aging or other entity 57908  
to administer the Long-Term Care Consultation Program for a 57909  
particular area, that agency or entity. 57910

(4) "Nursing facility" has the same meaning as in section 57911  
5111.20 of the Revised Code. 57912

(5) "PASSPORT program" means the program created under 57913  
section 173.40 of the Revised Code. 57914

(B) Each month during fiscal years 2008 and 2009, each area 57915  
agency on aging shall determine whether individuals who reside in 57916  
the area that the area agency on aging serves and are on a waiting 57917  
list for the PASSPORT program have been admitted to a nursing 57918  
facility. If an area agency on aging determines that such an 57919  
individual has been admitted to a nursing facility, the agency 57920  
shall notify the Long-Term Care Consultation Program administrator 57921  
serving the area in which the individual resides about the 57922  
determination. The administrator shall determine whether the 57923  
PASSPORT program is appropriate for the individual and whether the 57924  
individual would rather participate in the PASSPORT program than 57925  
continue residing in the nursing facility. If the administrator 57926

determines that the PASSPORT program is appropriate for the individual and the individual would rather participate in the PASSPORT program than continue residing in the nursing facility, the administrator shall so notify the Department of Aging. On receipt of the notice from the administrator, the Department of Aging shall approve the enrollment of the individual in the PASSPORT program regardless of whether other individuals who are not in a nursing facility are ahead of the individual on the PASSPORT program's waiting list. Each quarter, the Department of Aging shall certify to the Director of Budget and Management the increase in costs of the PASSPORT program based on the total expenditures made for the individuals enrolled in the PASSPORT program pursuant to this section.

(C) On a quarterly basis, on receipt of the certified expenditures, the Director of Budget and Management may do all of the following:

(1) Transfer the state share of the amount of the actual expenditures from GRF appropriation item 600-525, Health Care/Medicaid, to GRF appropriation item 490-403, PASSPORT;

(2) Increase the appropriation in Ohio Department of Aging Fund 3C4, appropriation item 490-607, PASSPORT, by the federal share of the amount of the actual expenditures;

(3) Increase the appropriation in JFS Fund 3G5, appropriation item 600-655, Interagency Reimbursement, by the federal share of the amount of the actual expenditures.

The funds that the Director of Budget and Management transfers and increases under this division are hereby appropriated.

(D) The individuals placed in the PASSPORT program pursuant to this section shall be in addition to the individuals placed in the PASSPORT program during fiscal years 2008 and 2009 based on

the amount of money that is in GRF appropriation item 490-403, 57958  
PASSPORT; Fund 4J4, appropriation item 490-610, 57959  
PASSPORT/Residential State Supplement; Fund 4U9, appropriation 57960  
item 490-602, PASSPORT Fund; and Fund 3C4, appropriation item 57961  
490-607, PASSPORT, before any transfers to GRF appropriation item 57962  
490-403, PASSPORT, and Fund 3C4, appropriation item 490-607, 57963  
PASSPORT, are made under this section. 57964

**Section 309.30.60. MEDICAID COVERAGE OF CHIROPRACTIC SERVICES** 57965

(A) As used in this section, "adult Medicaid recipient" means 57966  
a Medicaid recipient twenty-two years of age or older. 57967

(B) For the period beginning January 1, 2009, and ending June 57968  
30, 2009, and subject to division (C) of this section, the 57969  
Medicaid Program shall cover chiropractic services for adult 57970  
Medicaid recipients in an amount, duration, and scope specified in 57971  
rules that the Director of Job and Family Services shall adopt 57972  
under section 5111.02 of the Revised Code. 57973

(C) The Medicaid Program's coverage of chiropractic services 57974  
under this section shall be limited as follows: 57975

(1) Fifteen visits per adult Medicaid recipient per fiscal 57976  
year; 57977

(2) The total costs of coverage under this section may not 57978  
exceed \$5,000,000 per fiscal year. 57979

**Section 309.30.70. MONEY FOLLOWS THE PERSON** 57980

(A) Subject to division (B) of this section, the Director of 57981  
Budget and Management may do any of the following in support of 57982  
any home and community-based services waiver program: 57983

(1) Create new funds and account appropriation items to 57984  
support and track funds associated with a unified long-term care 57985  
budget; 57986

(2) Transfer funds among affected agencies and adjust corresponding appropriation levels;	57987 57988
(3) Develop a reporting mechanism to show clearly how the funds are being transferred and expended.	57989 57990
(B) Before an action may be taken under division (A) of this section, the Director shall present the proposed action to the Controlling Board. The Controlling Board shall review the proposed action and either approve or disapprove the action. The Director shall not implement the proposed action unless the action is approved by the Controlling Board.	57991 57992 57993 57994 57995 57996
<b>Section 309.30.90. MEDICAID ELIGIBILITY FOR PREGNANT WOMEN</b>	57997
The Director of Job and Family Services shall, not later than ninety days after the effective date of this section, submit to the United States Secretary of Health and Human Services an amendment to the state Medicaid plan to increase to two hundred per cent of the federal poverty guidelines the income limit specified in division (A)(2) of section 5111.014 of the Revised Code. The increase shall be implemented not earlier than January 1, 2008.	57998 57999 58000 58001 58002 58003 58004 58005
<b>Section 309.31.10. MEDICARE PART D</b>	58006
The foregoing appropriation item 600-526, Medicare Part D, may be used by the Department of Job and Family Services for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Department of Job and Family Services, the Director of Budget and Management may increase the state share of appropriations in either appropriation item 600-525, Health Care/Medicaid, or appropriation item 600-526, Medicare Part D, with a corresponding decrease in the state share of the other	58007 58008 58009 58010 58011 58012 58013 58014 58015 58016

appropriation item to allow the Department of Job and Family Services to implement and operate the new Medicare Part D requirements. If the state share of appropriation item 600-525, Health Care/Medicaid, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly.

**Section 309.31.20. RESIDENT PROTECTION FUND** 58022

If the Director of Budget and Management determines that the Resident Protection Fund created in section 5111.62 of the Revised Code has a cash balance, less encumbrances and appropriations, of more than \$2,000,000, the Department of Job and Family Services or its designee may issue a competitive request for grant proposals to support projects that will benefit the residents of nursing facilities that have been found to have deficiencies. The directors of Job and Family Services, Health, and Aging or their designees shall determine priority categories for funding, make awards, and determine which of the three agencies should administer each grant. Based on these determinations, the Director of Budget and Management may transfer cash and appropriations matching the amount of each award to the appropriate agency. Any such transfers are hereby appropriated.

**Section 309.31.30. OHIO ACCESS SUCCESS PROJECT** 58037

Notwithstanding any limitations in sections 3721.51 and 3721.56 of the Revised Code, in each fiscal year, cash from Fund 4J5, Home and Community-Based Services for the Aged, in excess of the amounts needed for the transfers may be used by the Department of Job and Family Services for the following purposes: (A) up to \$1.0 million in each fiscal year to fund the state share of audits of nursing facilities and intermediate care facilities for the mentally retarded; and (B) up to \$350,000 in each fiscal year to provide one-time transitional benefits under the Ohio Access

Success Project that the Director of Job and Family Services may 58047  
establish under section 5111.88 of the Revised Code. 58048

**Section 309.31.40.** TRANSFER OF FUNDS TO THE DEPARTMENT OF 58049  
AGING 58050

The Department of Job and Family Services shall transfer, 58051  
through intrastate transfer vouchers, cash from Fund 4J5, Home and 58052  
Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in 58053  
the Department of Aging. The sum of the transfers shall be 58054  
\$33,263,984 in each fiscal year. The transfer may occur on a 58055  
quarterly basis or on a schedule developed and agreed to by both 58056  
departments. 58057

**Section 309.31.50.** PROVIDER FRANCHISE FEE OFFSETS 58058

(A) At least quarterly, the Director of Job and Family 58059  
Services shall certify to the Director of Budget and Management 58060  
both of the following: 58061

(1) The amount of offsets withheld under section 3721.541 of 58062  
the Revised Code from payments made from the General Revenue Fund. 58063

(2) The amount of offsets withheld under section 5112.341 of 58064  
the Revised Code from payments made from the General Revenue Fund. 58065

(B) The Director of Budget and Management may transfer cash 58066  
from the General Revenue Fund to all of the following: 58067

(1) Fund 4J5, Home and Community Based Services/Aged Fund, or 58068  
Fund 5R2, Nursing Facility Stabilization Fund, in accordance with 58069  
sections 3721.56 and 3721.561 of the Revised Code; 58070

(2) Fund 4K1, ICF/MR Bed Assessments. 58071

(C) Amounts transferred pursuant to this section are hereby 58072  
appropriated. 58073

**Section 309.31.60.** TRANSFER OF FUNDS TO THE DEPARTMENT OF 58074

MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 58075

The Department of Job and Family Services shall transfer, 58076  
through intrastate transfer vouchers, cash from Fund 4K1, ICF/MR 58077  
Bed Assessments, to Fund 4K8, Home and Community-Based Services, 58078  
in the Department of Mental Retardation and Developmental 58079  
Disabilities. The amount transferred shall equal \$12,000,000 in 58080  
each fiscal year. The transfer may occur on a quarterly basis or 58081  
on a schedule developed and agreed to by both departments. 58082

**Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES 58083**

Notwithstanding any limitations contained in sections 5112.31 58084  
and 5112.37 of the Revised Code, in each fiscal year, cash from 58085  
Fund 4K1, ICF/MR Bed Assessments, in excess of the amounts needed 58086  
for transfers to Fund 4K8, Home and Community-Based Services, in 58087  
the Department of Mental Retardation and Developmental 58088  
Disabilities, may be used by the Department of Job and Family 58089  
Services to cover costs of care provided to participants in a 58090  
waiver with an ICF/MR level of care requirement administered by 58091  
the Department of Job and Family Services. 58092

**Section 309.31.80. PAYMENTS FROM THE DEPARTMENT OF EDUCATION 58093**  
FOR MEDICAID SERVICES 58094

At the request of the Director of Job and Family Services, 58095  
the Director of Budget and Management may increase the 58096  
appropriation in appropriation item 600-639, Medicaid Revenue and 58097  
Collections, by the amounts paid to the department pursuant to 58098  
section 3317.023 of the Revised Code. 58099

**Section 309.31.90. HOSPITAL CARE ASSURANCE MATCH 58100**

Appropriation item 600-650, Hospital Care Assurance Match, 58101  
shall be used by the Department of Job and Family Services solely 58102  
for distributing funds to hospitals under section 5112.08 of the 58103

Revised Code.	58104
<b>Section 309.32.10. HEALTH CARE SERVICES ADMINISTRATION FUND</b>	58105
Of the amount received by the Department of Job and Family	58106
Services during fiscal year 2008 and fiscal year 2009 from the	58107
first installment of assessments paid under section 5112.06 of the	58108
Revised Code and intergovernmental transfers made under section	58109
5112.07 of the Revised Code, the Director of Job and Family	58110
Services shall deposit \$350,000 in each fiscal year into the state	58111
treasury to the credit of the Health Care Services Administration	58112
Fund (Fund 5U3).	58113
<b>Section 309.32.20. MEDICAID PROGRAM SUPPORT FUND - STATE</b>	58114
The foregoing appropriation item 600-671, Medicaid Program	58115
Support, shall be used by the Department of Job and Family	58116
Services to pay for Medicaid services and contracts. The	58117
Department may also deposit to Fund 5C9 revenues received from	58118
other state agencies for Medicaid services under the terms of	58119
interagency agreements between the Department and other state	58120
agencies, and all funds the Department recovers because the	58121
benefits a person received under the disability medical assistance	58122
program established in section 5115.10 of the Revised Code were	58123
determined to be covered by the Medicaid Program established under	58124
Chapter 5111. of the Revised Code.	58125
<b>Section 309.32.30. TRANSFERS OF IMD/DSH CASH TO THE</b>	58126
<b>DEPARTMENT OF MENTAL HEALTH</b>	58127
The Department of Job and Family Services shall transfer,	58128
through intrastate transfer voucher, cash from Fund 5C9, Medicaid	58129
Program Support, to the Department of Mental Health's Fund 4X5,	58130
OhioCare, in accordance with an interagency agreement that	58131
delegates authority from the Department of Job and Family Services	58132

to the Department of Mental Health to administer specified 58133  
Medicaid services. 58134

**Section 309.32.40. PRESCRIPTION DRUG REBATE FUND 58135**

The foregoing appropriation item 600-692, Health Care 58136  
Services, shall be used by the Department of Job and Family 58137  
Services to pay for Medicaid services and contracts. 58138

**Section 309.32.50. DISABILITY DETERMINATION PROCESS 58139**

Based on the recommendations made by the Disability 58140  
Determination Consolidation Study Council, the Rehabilitation 58141  
Services Commission and the Department of Job and Family Services 58142  
shall work together to reduce the duplication of activities 58143  
performed by each agency and develop a systems interface so that 58144  
medical information for mutual clients may be transferred between 58145  
the agencies. 58146

**Section 309.40. FAMILY STABILITY 58147**

**Section 309.40.10. WAIVER OF FOOD STAMP WORK REQUIREMENTS 58148**

Pursuant to 7 U.S.C. 2015(o)(4)(A)(i), the Department of Job 58149  
and Family Services shall request that the United States Secretary 58150  
of Agriculture waive the applicability of the work requirement of 58151  
7 U.S.C. 2015(o)(2) during fiscal years 2008 and 2009 to food 58152  
stamp benefit recipients who reside in a county of this state that 58153  
the Department determines has an unemployment rate of over 10 per 58154  
cent or does not have a sufficient number of jobs to provide 58155  
employment for the recipients. 58156

**Section 309.40.20. FOOD STAMPS TRANSFER 58157**

On July 1, 2007, or as soon as possible thereafter, the 58158  
Director of Budget and Management may transfer up to \$1,000,000 in 58159

cash from Fund 384, Food Stamp Program, to Fund 5ES, Food Assistance. 58160  
58161

**Section 309.40.30.** OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS 58162  
58163

As used in this section, "federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code. 58164  
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Notwithstanding section 5101.46 of the Revised Code, the Department of Job and Family Services shall provide \$5,500,000 in each fiscal year from the foregoing appropriation item 600-651, Second Harvest Food Banks, to the Ohio Association of Second Harvest Food Banks. The Department shall enter into a grant agreement with the Ohio Association of Second Harvest Food Banks to allow for the purchase of food products and the distribution of those food products to agencies participating in the emergency food distribution program. Notwithstanding section 5101.46 of the Revised Code, the grant may permit the Ohio Association of Second Harvest Food Banks to use up to 5 per cent of the annual funding for administrative costs. As soon as possible after entering into a grant agreement at the beginning of each fiscal year, the Department may advance grant funds to the grantee under section 5101.10 of the Revised Code and in accordance with federal law. 58166  
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Prior to entering into the grant agreement, the Ohio Association of Second Harvest Food Banks shall submit to the Department for approval a plan for the distribution of the food products to local food distribution agencies. If the plan meets the requirements and conditions established by the Department, the plan shall be incorporated into the grant agreement. The grant agreement shall also require the Ohio Association of Second Harvest Food Banks to ensure that local agencies will limit participation of individuals and families who receive any of the food products purchased with these funds to those who have an 58181  
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income at or below 200 per cent of the federal poverty guidelines. 58191  
The Department and the Ohio Association of Second Harvest Food 58192  
Banks shall agree on reporting requirements to be incorporated 58193  
into the grant agreement, including a statement of expected 58194  
performance outcomes from the Ohio Association of Second Harvest 58195  
Food Banks and a requirement for their evaluation of their success 58196  
in achieving those outcomes. 58197

**Section 309.40.33. CHILD SUPPORT COLLECTIONS/TANF MOE** 58198

The foregoing appropriation item 600-658, Child Support 58199  
Collections, shall be used by the Department of Job and Family 58200  
Services to meet the TANF maintenance of effort requirements of 42 58201  
U.S.C. 609(a)(7). When the state is assured that it will meet the 58202  
maintenance of effort requirement, the Department of Job and 58203  
Family Services may use funds from appropriation item 600-658, 58204  
Child Support Collections, to support child support activities. 58205

**Section 309.40.40. TANF INITIATIVES** 58206

The Department of Job and Family Services, in accordance with 58207  
sections 5101.80 and 5101.801 of the Revised Code, shall take the 58208  
steps necessary, through interagency agreement, adoption of rules, 58209  
or otherwise as determined by the Department, to implement and 58210  
administer the Title IV-A programs identified in this section. 58211

**KINSHIP PERMANENCY INCENTIVE PROGRAM** 58212

Of the foregoing appropriation item 600-689, TANF Block Grant 58213  
(Fund 3V6), up to \$10 million per fiscal year shall be used to 58214  
support the activities of the Kinship Permanency Incentive Program 58215  
created under section 5101.802 of the Revised Code. 58216

The Department of Job and Family Services shall prepare 58217  
reports concerning both of the following: 58218

(A) Stability and permanency outcomes for children for whom 58219

incentive payments are made under the Kinship Permanency Incentive Program; 58220  
58221

(B) The total amount of payments made under the Program, 58222  
patterns of expenditures made per child under the Program, and 58223  
cost savings realized through the Program from placement with 58224  
kinship caregivers rather than other out-of-home placements. 58225

The Department shall submit a report to the Governor, the 58226  
Speaker and Minority Leader of the House of Representatives, and 58227  
the President and Minority Leader of the Senate not later than 58228  
December 31, 2008, and December 31, 2010. 58229

The amendments made by this act to section 5101.802 of the 58230  
Revised Code shall not affect the eligibility of any kinship 58231  
caregiver whose eligibility was established before the effective 58232  
date of this section. 58233

OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 58234

Of the foregoing appropriation item 600-689, TANF Block Grant 58235  
(Fund 3V6), the Department of Job and Family Services shall use up 58236  
to \$600,000 in each fiscal year to support expenditures of the 58237  
Ohio Alliance of Boys and Girls Clubs pursuant to section 5101.801 58238  
of the Revised Code to provide after-school programs that protect 58239  
at-risk children and enable youth to become responsible adults. 58240  
The Ohio Alliance of Boys and Girls Clubs shall provide 58241  
nutritional meals, snacks, and educational, youth development, and 58242  
career development services to TANF eligible children 58243  
participating in programs and activities operated by eligible Boys 58244  
and Girls Clubs. 58245

The Department of Job and Family Services and the Ohio 58246  
Alliance of Boys and Girls Clubs shall agree on reporting 58247  
requirements to be incorporated into the grant agreement. 58248

CHILDREN'S HUNGER ALLIANCE 58249

Of the foregoing appropriation item 600-689, TANF Block Grant 58250  
(Fund 3V6), up to \$1,000,000 in each fiscal year shall be 58251  
reimbursed to the Children's Hunger Alliance pursuant to section 58252  
5101.801 of the Revised Code for Child Nutrition Program outreach 58253  
efforts. 58254

SCHOOL READINESS ENRICHMENT 58255

Of the foregoing appropriation item 600-689, TANF Block Grant 58256  
(Fund 3V6), up to \$6,500,000 in each fiscal year shall be used for 58257  
TANF eligible activities pursuant to section 5101.801 of the 58258  
Revised Code to provide intervention services to prepare children 58259  
for kindergarten. 58260

FOOD BANKS 58261

Of the foregoing appropriation item 600-689, TANF Block Grant 58262  
(Fund 3V6), up to \$1,500,000 in each fiscal year shall be used to 58263  
reimburse the Ohio network of food banks pursuant to section 58264  
5101.801 of the Revised Code for purchases and distribution of 58265  
food products. 58266

GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES 58267

Of the foregoing appropriation item 600-689, TANF Block Grant 58268  
(Fund 3V6), up to \$13,000,000 in each fiscal year shall be used to 58269  
reimburse the Governor's Office for Faith-Based and Community 58270  
Initiatives pursuant to section 5101.801 of the Revised Code for 58271  
projects designed to serve the state's most vulnerable citizens. 58272

ADOPTION PROMOTION 58273

Of the foregoing appropriation item 600-689, TANF Block Grant 58274  
(Fund 3V6), up to \$5,000,000 in each fiscal year shall be used for 58275  
TANF eligible activities pursuant to section 5101.801 of the 58276  
Revised Code to provide additional support for initiatives aimed 58277  
at increasing the number of adoptions including recruiting, 58278  
promoting, and supporting adoptive families. 58279

INDEPENDENT LIVING INITIATIVES	58280
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$2,500,000 in each fiscal year shall be used for TANF eligible activities pursuant to section 5101.801 of the Revised Code to support the independent living initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care.	58281 58282 58283 58284 58285 58286 58287
CLOSING THE ACHIEVEMENT GAP	58288
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$10,000,000 in each fiscal year shall be used for TANF eligible activities pursuant to section 5101.801 of the Revised Code to provide intervention services aimed at improving the African-American male graduation rate.	58289 58290 58291 58292 58293
FAMILY SERVICE OF THE CINCINNATI AREA	58294
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$25,000 in each fiscal year shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, Family Service of the Cincinnati Area for the International Family Resource Center program.	58295 58296 58297 58298 58299
PARENT MENTORS	58300
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$250,000 in fiscal year 2008 shall be used to reimburse the Department of Education pursuant to section 5101.801 of the Revised Code for providing funding for an additional ten parent mentors. This additional support for parent mentors shall be aimed at increasing support for parents with children who have special needs, thereby reducing stress on the family and encouraging the maintenance of two parent families. Such funding shall be in addition to that which is provided for parent mentoring programs in GRF appropriation item 200-540, Special	58301 58302 58303 58304 58305 58306 58307 58308 58309 58310

Education Enhancements, in the Department of Education.	58311
ACCOUNTABILITY AND CREDIBILITY TOGETHER	58312
Of the foregoing appropriation item 600-689, TANF Block Grant, up to \$1,000,000 in each fiscal year shall be reimbursed to Accountability and Credibility Together (ACT) to continue its welfare diversion program to TANF eligible individuals pursuant to section 5101.801 of the Revised Code.	58313 58314 58315 58316 58317
AMERICAN ACADEMY OF PEDIATRICS	58318
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, the American Academy of Pediatrics for the Reach Out and Read program.	58319 58320 58321 58322 58323
HOME WEATHERIZATION	58324
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$500,000 in each fiscal year shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, the Corporation for Ohio Appalachian Development for home weatherization.	58325 58326 58327 58328 58329
PROVIDENCE HOUSE	58330
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, the Providence House for providing crisis intervention services for children who are at risk of abuse and neglect.	58331 58332 58333 58334 58335
BUTLER COUNTY SUCCESS PLAN	58336
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to provide reimbursement, in accordance with section 5101.801 of the Revised Code, for the Butler County Success Plan.	58337 58338 58339 58340

AMERICAN RED CROSS-GREATER CLEVELAND CHAPTER AND THE BEREA 58341  
CHILDREN'S HOME AND FAMILY SERVICES 58342

Of the foregoing appropriation item 600-689, TANF Block 58343  
Grant, up to \$2,063,000 in fiscal year 2008 shall be used to 58344  
reimburse the American Red Cross-Greater Cleveland Chapter and the 58345  
Berea Children's Home and Family Services in accordance with 58346  
section 5101.801 of the Revised Code, for enrolling TANF eligible 58347  
individuals in the Northeast Ohio Nurse Assistant Training 58348  
Program, which will lead to employment opportunities in the 58349  
healthcare field in a ten-county region. 58350

CENTER FOR FAMILIES AND CHILDREN RAPART YOUTH FELLOWSHIP 58351  
PROGRAM 58352

Of the foregoing appropriation item 600-689, TANF Block 58353  
Grant, up to \$100,000 in fiscal year 2008 shall be used to 58354  
reimburse the Center for Families and Children RapArt Youth 58355  
Fellowship Program in accordance with section 5101.801 of the 58356  
Revised Code for providing an after-school program that supports 58357  
at-risk young adults and enables youth to become responsible 58358  
adults. 58359

TALBERT HOUSE 58360

Of the foregoing appropriation item 600-689, TANF Block Grant 58361  
(Fund 3V6), up to \$50,000 in each fiscal year shall be used to 58362  
reimburse, in accordance with section 5101.801 of the Revised 58363  
Code, the Talbert House for providing TANF eligible non-medical 58364  
behavioral health services. 58365

TANF EDUCATIONAL AWARDS PROGRAM 58366

Of the foregoing appropriation item 600-689, TANF Block Grant 58367  
(Fund 3V6), up to \$2,000,000 in each fiscal year shall be used to 58368  
reimburse the Ohio Board of Regents pursuant to section 5101.801 58369  
of the Revised Code for initiatives addressing postsecondary 58370  
tuition and educational expenses not covered by other grant 58371

programs that target low-income students. 58372

HOME ENERGY ASSISTANCE PROGRAM 58373

The Department of Job and Family Services shall transfer, 58374  
through intrastate transfer voucher, \$45,000,000 in cash in fiscal 58375  
year 2008 and \$15,000,000 in fiscal year 2009 from Fund 3V6, TANF 58376  
Block Grant, to Fund 3BJ, TANF Heating Assistance, in the 58377  
Department of Development, in accordance with an interagency 58378  
agreement. The Departments of Job and Family Services and 58379  
Development shall enter into an interagency agreement for 58380  
providing reimbursement to the Department of Development to 58381  
administer the Title IV-A funded Home Energy Assistance Program 58382  
(HEAP), which provides assistance with home energy fuel costs to 58383  
needy families with children. 58384

If the Department of Development receives approval for a 58385  
federal waiver to increase the percentage of the Home Energy Block 58386  
Grant that may be used for weatherization to sixteen and one-half 58387  
per cent in fiscal year 2008 and seventeen and one-half per cent 58388  
in fiscal year 2009, the Department of Job and Family Services 58389  
shall increase the amount of reimbursement to the Department of 58390  
Development from Fund 3V6, TANF Block Grant, for the Title IV-A 58391  
funded Home Energy Assistance Program by an amount equal to the 58392  
additional amounts used for weatherization under the federal 58393  
waiver. 58394

The directors of Job and Family Services and Development 58395  
shall seek Controlling Board approval to adjust the appropriations 58396  
for appropriation item 600-689, TANF Block Grant, in the 58397  
Department of Job and Family Services and appropriation item 58398  
195-685, TANF Heating Assistance, in the Department of 58399  
Development, as needed to carry out the purposes described in the 58400  
preceding paragraph. 58401

**Section 309.40.60. EARLY LEARNING INITIATIVE** 58402

- (A) As used in this section: 58403
- (1) "Title IV-A services" means benefits and services that 58404  
are allowable under Title IV-A of the "Social Security Act," as 58405  
specified in 42 U.S.C. 604(a), except that they shall not be 58406  
benefits and services included in the term "assistance" as defined 58407  
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 58408  
excluded from the definition of the term "assistance" under 45 58409  
C.F.R. 260.31(b). 58410
- (2) "Title IV-A funds" means funds provided under the 58411  
temporary assistance for needy families block grant established by 58412  
Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 58413  
U.S.C. 601, as amended. 58414
- (3) "Eligible child" means a child who is at least three 58415  
years of age but not of compulsory school age or enrolled in 58416  
kindergarten, is eligible for Title IV-A services, and whose 58417  
family income at the time of application does not exceed one 58418  
hundred eighty-five per cent of the federal poverty line in fiscal 58419  
year 2008 or two hundred per cent of the federal poverty line in 58420  
fiscal year 2009. 58421
- (4) "Early learning program" means a program for eligible 58422  
children that is funded with Title IV-A funds and provides Title 58423  
IV-A services, according to the purposes listed in 45 C.F.R. 58424  
260.20(c), that are early learning services, as defined by 58425  
pursuant to division (D)(1) of this section. 58426
- (5) "Early learning provider" means an entity that is 58427  
receiving Title IV-A funds to operate an early learning program. 58428
- (6) "Early learning agency" means an early learning provider 58429  
or an entity that has entered into an agreement with an early 58430  
learning provider requiring the early learning provider to operate 58431  
an early learning program on behalf of the entity. 58432
- (7) "Federal poverty line" has the same meaning as in section 58433

5104.01 of the Revised Code. 58434

(8) "Of compulsory school age" has the same meaning as in 58435  
section 3321.01 of the Revised Code. 58436

(B) The Early Learning Initiative is hereby established. The 58437  
Department of Education and the Department of Job and Family 58438  
Services shall administer the Initiative in accordance with 58439  
sections 5101.80 and 5101.801 of the Revised Code. The Initiative 58440  
shall provide early learning services to eligible children. Early 58441  
learning programs may provide early learning services on a 58442  
full-day basis, a part-day basis, or both a full-day and part-day 58443  
basis. 58444

(C) The Department of Job and Family Services shall do both 58445  
of the following: 58446

(1) Reimburse early learning agencies for Title IV-A services 58447  
provided to eligible children according to the terms of the 58448  
contract and the rules adopted under division (C)(2) of this 58449  
section; 58450

(2) In consultation with the Department of Education, adopt 58451  
rules in accordance with Chapter 119. of the Revised Code to 58452  
implement the Early Learning Initiative. The rules shall include 58453  
all of the following: 58454

(a) Provisions regarding the establishment of co-payments for 58455  
families of eligible children whose family income is more than one 58456  
hundred sixty-five per cent of the federal poverty line but equal 58457  
to or less than the maximum amount of family income authorized for 58458  
an eligible child as defined in division (A)(3) of this section; 58459

(b) An exemption from co-payment requirements for families 58460  
whose family income is equal to or less than one hundred 58461  
sixty-five per cent of the federal poverty line; 58462

(c) A definition of "enrollment" for the purpose of 58463

compensating early learning agencies; 58464

(d) Provisions that establish compensation rates for early 58465  
learning agencies based on the enrollment of eligible children; 58466

(e) Caretaker employment eligibility requirements for 58467  
participation in the Early Learning Initiative. These requirements 58468  
shall specify the minimum number of hours that the caretaker of 58469  
the eligible child must be employed and the time period over which 58470  
the minimum number of hours is to be measured. These minimum hours 58471  
may overlap the period during the day or week in which the child 58472  
participates in the early learning program. These requirements 58473  
shall permit the child to be determined to be, and remain, an 58474  
eligible child for up to thirty days if the county department of 58475  
job and family services determines that the caretaker is expected 58476  
to begin engaging in an approved activity within that thirty-day 58477  
period. These rules shall require the county department of job and 58478  
family services to inform both the early learning agency and the 58479  
Department of Job and Family Services of this determination. These 58480  
rules shall require the Department of Job and Family Services to 58481  
designate the activities that constitute approved activities for 58482  
purposes of this requirement and to periodically review the 58483  
requirement described in this division to ensure that it complies 58484  
with federal law and regulations. 58485

(D) The Department of Education shall do all of the 58486  
following: 58487

(1) Define the early learning services that will be provided 58488  
to eligible children through the Early Learning Initiative; 58489

(2) In consultation with the Department of Job and Family 58490  
Services, develop an application form and criteria for the 58491  
selection of early learning agencies. The criteria shall require 58492  
an early learning agency, or each early learning provider with 58493  
which the agency has entered into an agreement for the operation 58494

of an early learning program on the agency's behalf, to be 58495  
licensed or certified by the Department of Education under 58496  
sections 3301.52 to 3301.59 of the Revised Code or by the 58497  
Department of Job and Family Services under Chapter 5104. of the 58498  
Revised Code; 58499

(3) Establish early learning program guidelines for school 58500  
readiness to assess the operation of early learning programs. 58501

(E) Any entity that seeks to be an early learning agency 58502  
shall apply to the Department of Education by a deadline 58503  
established by the Department. The Department of Education shall 58504  
select entities that meet the criteria established under division 58505  
(D)(2) of this section to be early learning agencies. Upon 58506  
selection of an entity to be an early learning agency, the 58507  
Department of Education shall designate the number of eligible 58508  
children the agency may enroll. The Department of Education shall 58509  
notify the Department of Job and Family Services of the number so 58510  
designated. 58511

(F) The Department of Education and the Department of Job and 58512  
Family Services shall enter into a contract with each early 58513  
learning agency selected under division (E) of this section. The 58514  
requirements of section 127.16 of the Revised Code do not apply to 58515  
contracts entered into under this section. The contract shall 58516  
outline the terms and conditions applicable to the provision of 58517  
Title IV-A services for eligible children and shall include at 58518  
least the following: 58519

(1) The respective duties of the early learning agency, the 58520  
Department of Education, and the Department of Job and Family 58521  
Services; 58522

(2) Requirements applicable to the allowable use of and 58523  
accountability for Title IV-A compensation paid under the 58524  
contract; 58525

(3) Reporting requirements, including a requirement that the early learning provider inform the Department of Education when the provider learns that a kindergarten eligible child will not be enrolled in kindergarten;	58526 58527 58528 58529
(4) The compensation schedule payable under the contract;	58530
(5) Audit requirements;	58531
(6) Provisions for suspending, modifying, or terminating the contract.	58532 58533
(G) If an early learning agency, or an early learning provider operating an early learning program on the agency's behalf, substantially fails to meet the early learning program guidelines for school readiness or exhibits below average performance, as determined by the Department of Education, the agency shall develop and implement a corrective action plan. The Department of Education shall approve the corrective action plan prior to implementation.	58534 58535 58536 58537 58538 58539 58540 58541
(H) If an early learning agency fails to implement a corrective action plan under division (G) of this section, the Department of Education may direct the Department of Job and Family Services to either withhold funding or request that the Department of Job and Family Services suspend or terminate the contract with the agency.	58542 58543 58544 58545 58546 58547
(I) Each early learning program shall do all of the following:	58548 58549
(1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;	58550 58551
(2) Align curriculum to the early learning content standards;	58552
(3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that apply to the program;	58553 58554
(4) Require teachers, except teachers enrolled and working to	58555

obtain a degree pursuant to section 3301.311 of the Revised Code, 58556  
to attend a minimum of twenty hours per biennium of professional 58557  
development as prescribed by the Department of Education regarding 58558  
the implementation of early learning program guidelines for school 58559  
readiness; 58560

(5) Document and report child progress; 58561

(6) Meet and report compliance with the early learning 58562  
program guidelines for school success; 58563

(7) Participate in early language and literacy classroom 58564  
observation evaluation studies. 58565

(J) Each county Department of Job and Family Services shall 58566  
determine eligibility for Title IV-A services for children seeking 58567  
to enroll in an early learning program within fifteen days after 58568  
receipt of a completed application in accordance with rules 58569  
adopted under this section. 58570

(K) The provision of early learning services in an early 58571  
learning program shall not prohibit or otherwise prevent an 58572  
individual from obtaining certificates for payment under division 58573  
(C) of section 5104.32 of the Revised Code. 58574

(L) Notwithstanding section 126.07 of the Revised Code: 58575

(1) Any fiscal year 2008 contract executed prior to July 1, 58576  
2007, between the Departments of Job and Family Services and 58577  
Education and an early learning agency that was not an early 58578  
learning agency as of June 30, 2007, shall be deemed to be 58579  
effective as of July 1, 2007, upon issuance of a state purchase 58580  
order, even if the purchase order is approved at some later date. 58581

(2) Any fiscal year 2008 contract executed between the 58582  
Departments of Job and Family Services and Education and an early 58583  
learning agency that had a valid contract for early learning 58584  
services on June 30, 2007, shall be deemed to be effective as of 58585

July 1, 2007, upon the issuance of a state purchase order, even if 58586  
the purchase order is approved at some later date. 58587

(3) Any fiscal year 2009 contract executed prior to July 1, 58588  
2008, between the Departments of Job and Family Services and 58589  
Education and an early learning agency that was not an early 58590  
learning agency as of June 30, 2008, shall be deemed to be 58591  
effective as of July 1, 2008, upon issuance of a state purchase 58592  
order, even if the purchase order is approved at some later date. 58593

(4) Any fiscal year 2009 contract executed between the 58594  
Departments of Job and Family Services and Education and an early 58595  
learning agency that had a valid contract for early learning 58596  
services on June 30, 2008, shall be deemed to be effective as of 58597  
July 1, 2008, upon the issuance of a state purchase order, even if 58598  
the purchase order is approved at some later date. 58599

(M) Of the foregoing appropriation item 600-689, TANF Block 58600  
Grant (Fund 3V6), up to \$125,256,000 shall be used in each fiscal 58601  
year to compensate early learning agencies under this section. The 58602  
Departments of Job and Family Services and Education shall 58603  
contract for up to 12,000 enrollment slots for eligible children 58604  
in each fiscal year through the Early Learning Initiative. 58605

(N) Of the foregoing appropriation item 600-689, TANF Block 58606  
Grant (Fund 3V6), up to \$800,000 in each fiscal year may be used 58607  
by the Department of Job and Family Services for administration of 58608  
the Early Learning Initiative. 58609

(O) Up to \$2,200,000 in each fiscal year may be used by the 58610  
Department of Education to perform administrative functions for 58611  
the Early Learning Initiative. The Department of Job and Family 58612  
Services shall transfer, through intrastate transfer vouchers, 58613  
cash from Fund 3V6, TANF Block Grant, to Fund 5W2, Early Learning 58614  
Initiative, in the Department of Education. The amount transferred 58615  
shall not exceed \$2,200,000 in fiscal year 2008 and \$2,200,000 in 58616

fiscal year 2009. The transfer shall occur on a reimbursement 58617  
basis on a schedule developed and agreed to by both departments. 58618

**Section 309.50. CHILDREN AND FAMILIES** 58619

**Section 309.50.10. CHILD WELFARE TRAINING INITIATIVE** 58620

In each fiscal year, the Department of Job and Family 58621  
Services shall grant \$50,000 from appropriation item 600-528, 58622  
Adoption Services, and \$150,000 from appropriation item 600-606, 58623  
Child Welfare (Fund 327), to the National Center for Adoption Law 58624  
and Policy to fund a multi-disciplinary child welfare training 58625  
initiative. The Department of Job and Family Services shall 58626  
coordinate with the National Center for Adoption Law and Policy to 58627  
determine the focus of the training provided each year. 58628

**ADOPTION LAWSITE INITIATIVE** 58629

In each fiscal year, the Department of Job and Family 58630  
Services shall grant \$37,500 from appropriation item 600-528, 58631  
Adoption Services, and \$112,500 from appropriation item 600-606, 58632  
Child Welfare (Fund 327), to the National Center for Adoption Law 58633  
and Policy to fund expansion of the Adoption LawSite Initiative. 58634

**Section 309.50.20. CHILDREN'S TRUST FUND** 58635

Notwithstanding sections 3109.13 to 3109.18 of the Revised 58636  
Code, in each fiscal year, the Director of Budget and Management 58637  
shall transfer \$1,500,000 cash from the Children's Trust Fund 58638  
(Fund 198) in the Department of Job and Family Services to the 58639  
Partnerships for Success Fund (Fund 5BH) in the Department of 58640  
Youth Services. 58641

**Section 309.50.30. A child day-care center or type A or B** 58642  
family day-care home participating in the voluntary child care 58643  
quality-rating program established pursuant to section 5104.30 of 58644

the Revised Code and providing publicly funded child care is 58645  
eligible to receive a reimbursement rate for the publicly funded 58646  
child care up to the sixty-fifth percentile of the 2006 Ohio Child 58647  
Care Market Rate Survey if the center or home participates in the 58648  
program in fiscal year 2008 and maintains a two-star program 58649  
rating in fiscal year 2009, according to the program rating system 58650  
established in rules adopted pursuant to section 5104.30 of the 58651  
Revised Code. 58652

**Section 309.70. WORKFORCE DEVELOPMENT** 58653

**Section 309.70.10. TRANSFER TO THE MILITARY INJURY RELIEF** 58654  
**FUND** 58655

In each year of the biennium, the Director of Job and Family 58656  
Services shall certify to the Director of Budget and Management 58657  
the total amount of incentive grants deposited into Fund 331, 58658  
Federal Operating, on behalf of state and county employees and 58659  
other individuals, entities, and persons with exemplary service to 58660  
veterans under an approved employment service delivery program 58661  
defined in the "Jobs for Veterans Act," 116 Stat. 2033 (2002), as 58662  
approved by the United States Department of Labor. The Director of 58663  
Budget and Management shall transfer cash equal to the amount 58664  
certified by the Director of Job and Family Services from Fund 331 58665  
to Fund 5DB, Military Injury Grants. The transferred funds shall 58666  
be used to support grants to eligible individuals under section 58667  
5101.98 of the Revised Code and rules adopted in accordance with 58668  
that section. 58669

**Section 309.70.20. WORKFORCE DEVELOPMENT GRANT AGREEMENT** 58670

The Department of Job and Family Services may use 58671  
appropriations from appropriation item 600-688, Workforce 58672  
Investment Act, to provide financial assistance for workforce 58673  
development activities included in a grant agreement entered into 58674

by the department in accordance with section 5101.20 of the Revised Code. 58675  
58676

OHIO STATE APPRENTICESHIP COUNCIL 58677

Of the foregoing appropriation item 600-688, Workforce Investment Act, up to \$1,900,000 in fiscal year 2008 and up to \$2,200,000 in fiscal year 2009 may be used to support the activities of the Ohio State Apprenticeship Council. 58678  
58679  
58680  
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YOUTH EMPLOYMENT PROGRAMS 58682

Of the foregoing appropriation item 600-688, Workforce Investment Act, up to \$6,000,000 over the biennium shall be used for competitive grants to eight major urban centers and four other locations, at least two of which are rural, to provide strategies and programs that meet the needs of at-risk youth. The program shall target youth who have disengaged from the education system and youthful offenders who will be returning to their communities. Eligible grant applications include governmental units, workforce investment boards, and not-for-profit and for-profit entities. Grant funds may be used for youth wages and benefits, supervisory costs, training and support costs, and infrastructure expenses. Grant funds may not be used for construction or renovation of facilities. 58683  
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THIRD FRONTIER INTERNSHIP PROGRAM 58696

Of the foregoing appropriation item 600-688, Workforce Investment Act, \$1,500,000 in each fiscal year shall be used to support the Third Frontier Internship program. 58697  
58698  
58699

NURSE EDUCATION ASSISTANCE 58700

Of the foregoing appropriation item 600-688, Workforce Investment Act, \$700,000 in each fiscal year shall be used to support the Nurse Education Assistance program described in division (C)(1)(a) of section 3333.28 of the Revised Code. 58701  
58702  
58703  
58704

**Section 309.80.** UNEMPLOYMENT COMPENSATION 58705

**Section 309.80.10.** EMPLOYER SURCHARGE 58706

The surcharge and the interest on the surcharge amounts due 58707  
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 58708  
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 58709  
118th General Assembly, and section 4141.251 of the Revised Code 58710  
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd 58711  
General Assembly, again shall be assessed and collected by, 58712  
accounted for, and made available to the Department of Job and 58713  
Family Services in the same manner as set forth in section 58714  
4141.251 of the Revised Code as it existed prior to its repeal by 58715  
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the 58716  
repeal of the surcharge for calendar years after 1990, pursuant to 58717  
Sub. H.B. 478 of the 122nd General Assembly, except that amounts 58718  
received by the Director on or after July 1, 2001, shall be 58719  
deposited into the Unemployment Compensation Special 58720  
Administrative Fund (Fund 4A9) established pursuant to section 58721  
4141.11 of the Revised Code. 58722

**Section 309.80.20.** FEDERAL UNEMPLOYMENT PROGRAMS 58723

All unexpended funds remaining at the end of fiscal year 2007 58724  
that were appropriated and made available to the state under 58725  
section 903(d) of the Social Security Act, as amended, in the 58726  
foregoing appropriation item 600-678, Federal Unemployment 58727  
Programs (Fund 3V4), are hereby appropriated to the Department of 58728  
Job and Family Services. Upon the request of the Director of Job 58729  
and Family Services, the Director of Budget and Management may 58730  
increase the appropriation for fiscal year 2008 by the amount 58731  
remaining unspent from the fiscal year 2007 appropriation and may 58732  
increase the appropriation for fiscal year 2009 by the amount 58733  
remaining unspent from the fiscal year 2008 appropriation. The 58734

appropriation shall be used under the direction of the Department 58735  
of Job and Family Services to pay for administrative activities 58736  
for the Unemployment Insurance Program, employment services, and 58737  
other allowable expenditures under section 903(d) of the Social 58738  
Security Act, as amended. 58739

The amounts obligated pursuant to this section shall not 58740  
exceed at any time the amount by which the aggregate of the 58741  
amounts transferred to the account of the state under section 58742  
903(d) of the Social Security Act, as amended, exceeds the 58743  
aggregate of the amounts obligated for administration and paid out 58744  
for benefits and required by law to be charged against the amounts 58745  
transferred to the account of the state. 58746

**Section 309.80.30. TIME-LIMITED MEDICAID PROVIDER AGREEMENTS** 58747

Each Medicaid provider agreement that is not time-limited on 58748  
the effective date of section 5111.028 of the Revised Code, as 58749  
enacted by this act, shall be converted by the Department of Job 58750  
and Family Services into a time-limited provider agreement. The 58751  
converted provider agreement shall expire three years from 58752  
effective date of the conversion. The Department shall notify the 58753  
provider in writing that provider agreement has been converted 58754  
into a time-limited provider agreement. 58755

Notwithstanding division (B) of section 5111.06 of the 58756  
Revised Code, the Department is not required to issue an order 58757  
pursuant to an adjudication conducted in accordance with Chapter 58758  
119. of the Revised Code when converting a provider agreement 58759  
under this section. 58760

**Section 311.10. JCO JUDICIAL CONFERENCE OF OHIO** 58761

General Revenue Fund 58762  
GRF 018-321 Operating Expenses \$ 985,710 \$ 1,015,281 58763  
TOTAL GRF General Revenue Fund \$ 985,710 \$ 1,015,281 58764

General Services Fund Group				58765
403 018-601 Ohio Jury Instructions	\$	350,000	\$ 350,000	58766
TOTAL GSF General Services Fund	\$	350,000	\$ 350,000	58767
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	1,335,710	\$ 1,365,281	58768
STATE COUNCIL OF UNIFORM STATE LAWS				58769
Notwithstanding section 105.26 of the Revised Code, of the				58770
foregoing appropriation item 018-321, Operating Expenses, up to				58771
\$71,000 in fiscal year 2008 and up to \$73,000 in fiscal year 2009				58772
may be used to pay the expenses of the State Council of Uniform				58773
State Laws, including membership dues to the National Conference				58774
of Commissioners on Uniform State Laws.				58775
OHIO JURY INSTRUCTIONS FUND				58776
The Ohio Jury Instructions Fund (Fund 403) shall consist of				58777
grants, royalties, dues, conference fees, bequests, devises, and				58778
other gifts received for the purpose of supporting costs incurred				58779
by the Judicial Conference of Ohio in dispensing educational and				58780
informational data to the state's judicial system. Fund 403 shall				58781
be used by the Judicial Conference of Ohio to pay expenses				58782
incurred in dispensing educational and informational data to the				58783
state's judicial system. All moneys accruing to Fund 403 in excess				58784
of \$350,000 in fiscal year 2008 and in excess of \$350,000 in				58785
fiscal year 2009 are hereby appropriated for the purposes				58786
authorized.				58787
No money in the Ohio Jury Instructions Fund shall be				58788
transferred to any other fund by the Director of Budget and				58789
Management or the Controlling Board.				58790
<b>Section 313.10.</b> JSC THE JUDICIARY/SUPREME COURT				58791
General Revenue Fund				58792
GRF 005-321 Operating Expenses -	\$	127,778,192	\$ 133,144,970	58793

	Judiciary/Supreme Court				
GRF 005-401	State Criminal Sentencing Council	\$	331,500	\$	336,770 58794
GRF 005-406	Law-Related Education	\$	229,290	\$	236,172 58795
GRF 005-409	Ohio Courts Technology Initiative	\$	4,000,000	\$	6,500,000 58796
GRF 005-502	Commission for Legal Education Opportunity	\$	250,000	\$	350,000 58797
TOTAL GRF	General Revenue Fund	\$	132,588,982	\$	140,567,912 58798
	General Services Fund Group				58799
672 005-601	Continuing Judicial Education	\$	136,000	\$	140,000 58800
TOTAL GSF	General Services Fund Group	\$	136,000	\$	140,000 58801
	Federal Special Revenue Fund Group				58802
3J0 005-603	Federal Grants	\$	1,518,491	\$	1,467,693 58803
TOTAL FED	Federal Special Revenue Fund Group	\$	1,518,491	\$	1,467,693 58804
	State Special Revenue Fund Group				58805
4C8 005-605	Attorney Services	\$	3,841,416	\$	3,936,058 58806
5T8 005-609	Grants and Awards	\$	100,000	\$	100,000 58807
6A8 005-606	Supreme Court Admissions	\$	1,496,633	\$	1,541,532 58808
TOTAL SSR	State Special Revenue Fund Group	\$	5,438,049	\$	5,577,590 58809
TOTAL ALL BUDGET FUND GROUPS		\$	139,681,522	\$	147,753,195 58810
	LAW-RELATED EDUCATION				58811
	The foregoing appropriation item 005-406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing citizenship education activities to primary and secondary				58812 58813 58814 58815

students, expanding delinquency prevention programs, increasing 58816  
activities for at-risk youth, and accessing additional public and 58817  
private money for new programs. 58818

OHIO COURTS TECHNOLOGY INITIATIVE 58819

The foregoing appropriation item 005-409, Ohio Courts 58820  
Technology Initiative, shall be used to fund an initiative by the 58821  
Supreme Court to facilitate the exchange of information and 58822  
warehousing of data by and between Ohio courts and other justice 58823  
system partners through the creation of an Ohio Courts Network, 58824  
the delivery of technology services to courts throughout the 58825  
state, including the provision of hardware, software, and the 58826  
development and implementation of educational and training 58827  
programs for judges and court personnel, and the creation and 58828  
operation of the Commission on Technology and the Courts by the 58829  
Supreme Court for the promulgation of statewide rules, policies, 58830  
and uniform standards, and to aid in the orderly adoption and 58831  
comprehensive use of technology in Ohio courts. 58832

COMMISSION FOR LEGAL EDUCATION OPPORTUNITY 58833

The foregoing appropriation item 005-502, Commission for 58834  
Legal Education Opportunity, shall be used to fund activities of 58835  
the Commission for Legal Education Opportunity created by the 58836  
Chief Justice of the Supreme Court of Ohio for purposes of 58837  
assisting minority, low-income, and educationally disadvantaged 58838  
college graduates in transition to legal education. Moneys 58839  
appropriated to the Commission for Legal Education Opportunity may 58840  
be used to establish and provide intensive course study designed 58841  
to prepare eligible college graduates for law education, provide 58842  
annual stipends for students who successfully complete the course 58843  
of study and are admitted to and maintain satisfactory academic 58844  
standing in an Ohio law school, and pay the administrative costs 58845  
associated with the program. 58846

CONTINUING JUDICIAL EDUCATION 58847

The Continuing Judicial Education Fund (Fund 672) shall 58848  
consist of fees paid by judges and court personnel for attending 58849  
continuing education courses and other gifts and grants received 58850  
for the purpose of continuing judicial education. The foregoing 58851  
appropriation item 005-601, Continuing Judicial Education, shall 58852  
be used to pay expenses for continuing education courses for 58853  
judges and court personnel. If it is determined by the 58854  
Administrative Director of the Supreme Court that additional 58855  
appropriations are necessary, the amounts are hereby appropriated. 58856

No money in the Continuing Judicial Education Fund shall be 58857  
transferred to any other fund by the Director of Budget and 58858  
Management or the Controlling Board. Interest earned on moneys in 58859  
the Continuing Judicial Education Fund shall be credited to the 58860  
fund. 58861

FEDERAL GRANTS 58862

The Federal Grants Fund (Fund 3J0) shall consist of grants 58863  
and other moneys awarded to the Supreme Court (The Judiciary) by 58864  
the United States Government or other entities that receive the 58865  
moneys directly from the United States Government and distribute 58866  
those moneys to the Supreme Court (The Judiciary). The foregoing 58867  
appropriation item 005-603, Federal Grants, shall be used in a 58868  
manner consistent with the purpose of the grant or award. If it is 58869  
determined by the Administrative Director of the Supreme Court 58870  
that additional appropriations are necessary, the amounts are 58871  
hereby appropriated. 58872

No money in the Federal Grants Fund shall be transferred to 58873  
any other fund by the Director of Budget and Management or the 58874  
Controlling Board. However, interest earned on moneys in the 58875  
Federal Grants Fund shall be credited or transferred to the 58876  
General Revenue Fund. 58877

ATTORNEY SERVICES 58878

The Attorney Services Fund (Fund 4C8), formerly known as the 58879  
Attorney Registration Fund, shall consist of moneys received by 58880  
the Supreme Court (The Judiciary) pursuant to the Rules for the 58881  
Government of the Bar of Ohio. In addition to funding other 58882  
activities considered appropriate by the Supreme Court, the 58883  
foregoing appropriation item 005-605, Attorney Services, may be 58884  
used to compensate employees and to fund appropriate activities of 58885  
the following offices established by the Supreme Court: the Office 58886  
of Disciplinary Counsel, the Board of Commissioners on Grievances 58887  
and Discipline, the Clients' Security Fund, and the Attorney 58888  
Services Division. If it is determined by the Administrative 58889  
Director of the Supreme Court that additional appropriations are 58890  
necessary, the amounts are hereby appropriated. 58891

No moneys in the Attorney Services Fund shall be transferred 58892  
to any other fund by the Director of Budget and Management or the 58893  
Controlling Board. Interest earned on moneys in the Attorney 58894  
Services Fund shall be credited to the fund. 58895

GRANTS AND AWARDS 58896

The Grants and Awards Fund (Fund 5T8) shall consist of grants 58897  
and other moneys awarded to the Supreme Court (The Judiciary) by 58898  
the State Justice Institute, the Division of Criminal Justice 58899  
Services, or other entities. The foregoing appropriation item 58900  
005-609, Grants and Awards, shall be used in a manner consistent 58901  
with the purpose of the grant or award. If it is determined by the 58902  
Administrative Director of the Supreme Court that additional 58903  
appropriations are necessary, the amounts are hereby appropriated. 58904

No moneys in the Grants and Awards Fund shall be transferred 58905  
to any other fund by the Director of Budget and Management or the 58906  
Controlling Board. However, interest earned on moneys in the 58907  
Grants and Awards Fund shall be credited or transferred to the 58908

General Revenue Fund.	58909
SUPREME COURT ADMISSIONS	58910
The foregoing appropriation item 005-606, Supreme Court	58911
Admissions, shall be used to compensate Supreme Court employees	58912
who are primarily responsible for administering the attorney	58913
admissions program under the Rules for the Government of the Bar	58914
of Ohio, and to fund any other activities considered appropriate	58915
by the court. Moneys shall be deposited into the Supreme Court	58916
Admissions Fund (Fund 6A8) under the Supreme Court Rules for the	58917
Government of the Bar of Ohio. If it is determined by the	58918
Administrative Director of the Supreme Court that additional	58919
appropriations are necessary, the amounts are hereby appropriated.	58920
No moneys in the Supreme Court Admissions Fund shall be	58921
transferred to any other fund by the Director of Budget and	58922
Management or the Controlling Board. Interest earned on moneys in	58923
the Supreme Court Admissions Fund shall be credited to the fund.	58924
FUND ELIMINATION	58925
Effective July 1, 2007, or as soon as practicable thereafter,	58926
the Director of Budget and Management shall transfer the cash	58927
balance in the Commission on Continuing Legal Education Fund (Fund	58928
643) to the Attorney Services Fund (Fund 4C8). The director shall	58929
cancel any existing encumbrances against appropriation item	58930
005-607, Commission on Continuing Legal Education, and	58931
re-establish them against appropriation item 005-605, Attorney	58932
Services. The amounts of the re-established encumbrances are	58933
hereby appropriated. Upon completion of these transfers, the	58934
Commission on Continuing Legal Education Fund (Fund 643) is hereby	58935
abolished.	58936
<b>Section 315.10. LEC LAKE ERIE COMMISSION</b>	58937
State Special Revenue Fund Group	58938

4C0 780-601 Lake Erie Protection	\$	450,000	\$	450,000	58939
Fund					
5D8 780-602 Lake Erie Resources	\$	387,000	\$	388,000	58940
Fund					
TOTAL SSR State Special Revenue					58941
Fund Group	\$	837,000	\$	838,000	58942
TOTAL ALL BUDGET FUND GROUPS	\$	837,000	\$	838,000	58943

CASH TRANSFER 58944

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 317.10. LRS LEGAL RIGHTS SERVICE** 58961

General Revenue Fund					58962
GRF 054-321 Support Services	\$	198,075	\$	198,075	58963
GRF 054-401 Ombudsman	\$	291,247	\$	291,247	58964
TOTAL GRF General Revenue Fund	\$	489,322	\$	489,322	58965
General Services Fund Group					58966
5M0 054-610 Program Support	\$	81,352	\$	81,352	58967

TOTAL GSF General Services				58968
Fund Group	\$	81,352	\$ 81,352	58969
Federal Special Revenue Fund Group				58970
3AG 054-613 Protection and Advocacy - Voter Accessibility	\$	115,000	\$ 115,000	58971
3B8 054-603 Protection and Advocacy - Mentally Ill	\$	1,089,999	\$ 1,089,999	58972
3CA 054-615 Work Incentives Planning and Assistance	\$	355,000	\$ 355,000	58973
3N3 054-606 Protection and Advocacy - Individual Rights	\$	560,000	\$ 560,000	58974
3N9 054-607 Assistive Technology	\$	160,000	\$ 160,000	58975
3R9 054-604 Family Support Collaborative	\$	55,000	\$ 55,000	58976
3R9 054-616 Developmental Disability Publications	\$	130,000	\$ 130,000	58977
3T2 054-609 Client Assistance Program	\$	435,000	\$ 435,000	58978
3X1 054-611 Protection and Advocacy for Beneficiaries of Social Security	\$	235,001	\$ 235,001	58979
3Z6 054-612 Traumatic Brain Injury	\$	70,000	\$ 70,000	58980
305 054-602 Protection and Advocacy - Developmentally Disabled	\$	1,500,000	\$ 1,500,000	58981
TOTAL FED Federal Special Revenue				58982

Fund Group	\$	4,705,000	\$	4,705,000	58983
State Special Revenue Fund Group					58984
5AE 054-614 Grants and Contracts	\$	100,000	\$	100,000	58985
TOTAL SSR State Special Revenue	\$	100,000	\$	100,000	58986
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	5,375,674	\$	5,375,674	58987
<b>Section 319.10.</b> JLE JOINT LEGISLATIVE ETHICS COMMITTEE					58989
General Revenue Fund					58990
GRF 028-321 Legislative Ethics	\$	550,000	\$	550,000	58991
Committee					
TOTAL GRF General Revenue Fund	\$	550,000	\$	550,000	58992
General Services Fund Group					58993
4G7 028-601 Joint Legislative	\$	100,000	\$	100,000	58994
Ethics Committee					
TOTAL GSF General Services Fund	\$	100,000	\$	100,000	58995
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	650,000	\$	650,000	58996
<b>Section 321.10.</b> LSC LEGISLATIVE SERVICE COMMISSION					58997
General Revenue Fund					58998
GRF 035-321 Operating Expenses	\$	15,167,700	\$	15,167,700	58999
GRF 035-402 Legislative Interns	\$	1,022,120	\$	1,022,120	59000
GRF 035-405 Correctional	\$	393,900	\$	393,900	59001
Institution Inspection					
Committee					
GRF 035-409 National Associations	\$	460,560	\$	460,560	59002
GRF 035-410 Legislative	\$	3,661,250	\$	3,661,250	59003
Information Systems					
TOTAL GRF General Revenue Fund	\$	20,705,530	\$	20,705,530	59004
General Services Fund Group					59005
4F6 035-603 Legislative Budget	\$	154,025	\$	154,025	59006

Services					
410	035-601	Sale of Publications	\$ 25,250	\$ 25,250	59007
5EF	035-607	House and Senate	\$ 30,000	\$ 30,000	59008
Telephone Usage					
TOTAL GSF General Services					59009
Fund Group			\$ 209,275	\$ 209,275	59010
TOTAL ALL BUDGET FUND GROUPS			\$ 20,914,805	\$ 20,914,805	59011
JOINT LEGISLATIVE COMMITTEE ON MEDICAID TECHNOLOGY AND REFORM					59012
Of the foregoing appropriation item 035-321, Operating					59013
Expenses, \$100,000 in each fiscal year shall be used for costs					59014
associated with employing an executive director for the Joint					59015
Legislative Committee on Medicaid Technology and Reform as					59016
authorized by division (C) of section 101.391 of the Revised Code.					59017
OHIO ECONOMIC ANALYSIS					59018
Of the foregoing appropriation item 035-321, Operating					59019
Expenses, up to \$250,000 in each fiscal year shall be used to					59020
contract with a person, business, or other entity to provide the					59021
General Assembly with additional revenue forecasting and analysis					59022
of the Ohio economy.					59023
<b>Section 323.10. LIB STATE LIBRARY BOARD</b>					59024
General Revenue Fund					59025
GRF	350-321	Operating Expenses	\$ 6,298,677	\$ 6,298,677	59026
GRF	350-400	Ohio Public Library	\$ 4,330,000	\$ 4,330,000	59027
Information Network					
GRF	350-401	Ohioana Rental	\$ 124,816	\$ 124,816	59028
Payments					
GRF	350-501	Library for the	\$ 535,615	\$ 535,615	59029
Blind-Cincinnati					
GRF	350-502	Regional Library	\$ 1,010,441	\$ 1,010,441	59030
Systems					

GRF 350-503	Library for the Blind-Cleveland	\$	805,642	\$	805,642	59031
TOTAL GRF	General Revenue Fund	\$	13,105,191	\$	13,105,191	59032
	General Services Fund Group					59033
139 350-602	Intra-Agency Service Charges	\$	9,000	\$	9,000	59034
4S4 350-604	Ohio Public Library Information Network Technology	\$	3,000,000	\$	3,000,000	59035
459 350-602	Library Service Charges	\$	2,708,092	\$	2,708,092	59036
TOTAL GSF	General Services Fund Group	\$	5,717,092	\$	5,717,092	59037 59038
	Federal Special Revenue Fund Group					59039
313 350-601	LSTA Federal	\$	5,691,792	\$	5,691,792	59040
TOTAL FED	Federal Special Revenue Fund Group	\$	5,691,792	\$	5,691,792	59041 59042
TOTAL ALL BUDGET FUND GROUPS		\$	24,514,075	\$	24,514,075	59043
	OHIOANA RENTAL PAYMENTS					59044
	The foregoing appropriation item 350-401, Ohioana Rental Payments, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association pursuant to section 3375.61 of the Revised Code.					59045 59046 59047 59048
	LIBRARY FOR THE BLIND-CINCINNATI					59049
	The foregoing appropriation item 350-501, Library for the Blind-Cincinnati, shall be used for the Talking Book program, which assists the blind and disabled.					59050 59051 59052
	REGIONAL LIBRARY SYSTEMS					59053
	The foregoing appropriation item 350-502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the					59054 59055 59056

Revised Code. 59057

LIBRARY FOR THE BLIND-CLEVELAND 59058

The foregoing appropriation item 350-503, Library for the 59059  
Blind-Cleveland, shall be used for the Talking Book program, which 59060  
assists the blind and disabled. 59061

OHIO PUBLIC LIBRARY INFORMATION NETWORK 59062

The foregoing appropriation items 350-604, Ohio Public 59063  
Library Information Network Technology, and 350-400, Ohio Public 59064  
Library Information Network, shall be used for an information 59065  
telecommunications network linking public libraries in the state 59066  
and such others as may be certified as participants by the Ohio 59067  
Public Library Information Network Board. 59068

The Ohio Public Library Information Network Board shall 59069  
consist of eleven members appointed by the State Library Board 59070  
from among the staff of public libraries and past and present 59071  
members of boards of trustees of public libraries, based on the 59072  
recommendations of the Ohio library community. The Ohio Public 59073  
Library Information Network Board, in consultation with the State 59074  
Library, shall develop a plan of operations for the network. The 59075  
board may make decisions regarding use of the foregoing 59076  
appropriation items 350-400, Ohio Public Library Information 59077  
Network, and 350-604, Ohio Public Library Information Network 59078  
Technology, may receive and expend grants to carry out the 59079  
operations of the network in accordance with state law and the 59080  
authority to appoint and fix the compensation of a director and 59081  
necessary staff. The State Library shall be the fiscal agent for 59082  
the network and shall have fiscal accountability for the 59083  
expenditure of funds. The Ohio Public Library Information Network 59084  
Board members shall be reimbursed for actual travel and necessary 59085  
expenses incurred in carrying out their responsibilities. 59086

In order to limit access to obscene and illegal materials 59087

through internet use at Ohio Public Library Information Network 59088  
(OPLIN) terminals, local libraries with OPLIN computer terminals 59089  
shall adopt policies that control access to obscene and illegal 59090  
materials. These policies may include use of technological systems 59091  
to select or block certain internet access. The OPLIN shall 59092  
condition provision of its funds, goods, and services on 59093  
compliance with these policies. The OPLIN Board shall also adopt 59094  
and communicate specific recommendations to local libraries on 59095  
methods to control such improper usage. These methods may include 59096  
each library implementing a written policy controlling such 59097  
improper use of library terminals and requirements for parental 59098  
involvement or written authorization for juvenile internet usage. 59099

Of the foregoing appropriation item 350-400, Ohio Public 59100  
Library Information Network, up to \$100,000 in each fiscal year 59101  
shall be used to help local libraries purchase or maintain filters 59102  
to screen out obscene and illegal internet materials. 59103

The OPLIN Board shall research and assist or advise local 59104  
libraries with regard to emerging technologies and methods that 59105  
may be effective means to control access to obscene and illegal 59106  
materials. The OPLIN Executive Director shall biannually provide 59107  
written reports to the Governor, the Speaker and Minority Leader 59108  
of the House of Representatives, and the President and Minority 59109  
Leader of the Senate on any steps being taken by OPLIN and public 59110  
libraries in the state to limit and control such improper usage as 59111  
well as information on technological, legal, and law enforcement 59112  
trends nationally and internationally affecting this area of 59113  
public access and service. 59114

The Ohio Public Library Information Network, INFOhio, and 59115  
OhioLINK shall, to the extent feasible, coordinate and cooperate 59116  
in their purchase or other acquisition of the use of electronic 59117  
databases for their respective users and shall contribute funds in 59118  
an equitable manner to such effort. 59119

<b>Section 325.10. LCO LIQUOR CONTROL COMMISSION</b>				59120
Liquor Control Fund Group				59121
043 970-321 Operating Expenses	\$	743,093	\$ 772,524	59122
TOTAL LCF Liquor Control Fund Group	\$	743,093	\$ 772,524	59123
TOTAL ALL BUDGET FUND GROUPS	\$	743,093	\$ 772,524	59124
 <b>Section 327.10. LOT STATE LOTTERY COMMISSION</b>				59126
General Services Fund Group				59127
231 950-604 Charitable Gaming	\$	2,253,000	\$ 2,378,000	59128
Oversight				
TOTAL GSF General Services Fund	\$	2,253,000	\$ 2,378,000	59129
Group				
State Lottery Fund Group				59130
044 950-100 Personal Services	\$	25,945,116	\$ 27,085,265	59131
044 950-200 Maintenance	\$	18,748,274	\$ 18,693,328	59132
044 950-300 Equipment	\$	2,554,500	\$ 2,446,500	59133
044 950-402 Advertising Contracts	\$	21,250,000	\$ 21,250,000	59134
044 950-403 Gaming Contracts	\$	50,419,360	\$ 51,250,704	59135
044 950-500 Problem Gambling	\$	335,000	\$ 335,000	59136
Subsidy				
044 950-601 Direct Prize Payments	\$	147,716,286	\$ 147,716,286	59137
871 950-602 Annuity Prizes	\$	151,724,305	\$ 151,724,305	59138
TOTAL SLF State Lottery Fund				59139
Group	\$	418,692,841	\$ 420,501,388	59140
TOTAL ALL BUDGET FUND GROUPS	\$	420,945,841	\$ 422,879,388	59141
 OPERATING EXPENSES				59142
Notwithstanding sections 127.14 and 131.35 of the Revised				59143
Code, the Controlling Board may, at the request of the State				59144
Lottery Commission, authorize additional appropriations for				59145
operating expenses of the State Lottery Commission from the State				59146
Lottery Fund up to a maximum of 15 per cent of anticipated total				59147

revenue accruing from the sale of lottery tickets.	59148
DIRECT PRIZE PAYMENTS	59149
Any amounts, in addition to the amounts appropriated in	59150
appropriation item 950-601, Direct Prize Payments, that the	59151
Director of the State Lottery Commission determines to be	59152
necessary to fund prizes, bonuses, and commissions are hereby	59153
appropriated.	59154
ANNUITY PRIZES	59155
With the approval of the Office of Budget and Management, the	59156
State Lottery Commission shall transfer cash from the State	59157
Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund	59158
(Fund 871) in an amount sufficient to fund deferred prizes. The	59159
Treasurer of State, from time to time, shall credit the Deferred	59160
Prizes Trust Fund (Fund 871) the pro rata share of interest earned	59161
by the Treasurer of State on invested balances.	59162
Any amounts, in addition to the amounts appropriated in	59163
appropriation item 950-602, Annuity Prizes, that the Director of	59164
the State Lottery Commission determines to be necessary to fund	59165
deferred prizes and interest earnings are hereby appropriated.	59166
TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND	59167
The Ohio Lottery Commission shall transfer an amount greater	59168
than or equal to \$657,900,000 in fiscal year 2008 and \$667,900,000	59169
in fiscal year 2009 to the Lottery Profits Education Fund.	59170
Transfers from the Commission to the Lottery Profits Education	59171
Fund shall represent the estimated net income from operations for	59172
the Commission in fiscal year 2008 and fiscal year 2009. Transfers	59173
by the Commission to the Lottery Profits Education Fund shall be	59174
administered as the statutes direct.	59175
<b>Section 329.10.</b> MHC MANUFACTURED HOMES COMMISSION	59176
General Services Fund Group	59177

4K9 996-609 Operating Expenses	\$	418,122	\$	434,671	59178
TOTAL GSF General Services					59179
Fund Group	\$	418,122	\$	434,671	59180
TOTAL ALL BUDGET FUND GROUPS	\$	418,122	\$	434,671	59181

**Section 331.10. MED STATE MEDICAL BOARD** 59183

General Services Fund Group					59184
5C6 883-609 Operating Expenses	\$	7,883,145	\$	8,225,945	59185
TOTAL GSF General Services					59186
Fund Group	\$	7,883,145	\$	8,225,945	59187
TOTAL ALL BUDGET FUND GROUPS	\$	7,883,145	\$	8,225,945	59188

**Section 333.10. AMB MEDICAL TRANSPORTATION BOARD** 59190

General Services Fund Group					59191
4K9 915-604 Operating Expenses	\$	471,450	\$	473,450	59192
TOTAL GSF General Services					59193
Fund Group	\$	471,450	\$	473,450	59194
TOTAL ALL BUDGET FUND GROUPS	\$	471,450	\$	473,450	59195

CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND 59196  
(FUND 4K9) 59197

Effective July 1, 2007, or as soon as practicable thereafter, 59198  
the Director of Budget and Management may transfer the cash 59199  
balance in the Ohio Medical Transportation Trust Fund (Fund 4N1), 59200  
created in division (B) of section 4766.05 of the Revised Code, to 59201  
the Occupational Licensing and Regulatory Fund (Fund 4K9), created 59202  
in section 4743.05 of the Revised Code. The director shall cancel 59203  
any existing encumbrances against appropriation item 915-601, 59204  
Operating Expenses, and re-establish them against appropriation 59205  
item 915-604, Operating Expenses. The amounts of the 59206  
re-established encumbrances are hereby appropriated. Upon 59207  
completion of these transfers, the Ohio Medical Transportation 59208  
Trust Fund (Fund 4N1) is hereby abolished. 59209

<b>Section 335.10.</b>	DMH DEPARTMENT OF MENTAL HEALTH			59210
General Services Fund Group				59211
151 336-601 Office of Support	\$ 134,060,000	\$ 148,998,000		59212
Services				
TOTAL General Services Fund Group	\$ 134,060,000	\$ 148,998,000		59213
Division of Mental Health--				59214
Psychiatric Services to Correctional Facilities				59215
General Revenue Fund				59216
GRF 332-401 Forensic Services	\$ 4,338,858	\$ 4,338,858		59217
TOTAL GRF General Revenue Fund	\$ 4,338,858	\$ 4,338,858		59218
<b>Section 335.10.10.</b>	FORENSIC SERVICES			59220
The foregoing appropriation item 332-401, Forensic Services,				59221
shall be used to provide psychiatric services to courts of common				59222
pleas. The appropriation shall be allocated through community				59223
mental health boards to certified community agencies and shall be				59224
distributed according to the criteria delineated in rule				59225
5122:32-01 of the Administrative Code. These community forensic				59226
funds may also be used to provide forensic training to community				59227
mental health boards and to forensic psychiatry residency programs				59228
in hospitals operated by the Department of Mental Health and to				59229
provide evaluations of patients of forensic status in facilities				59230
operated by the Department of Mental Health prior to conditional				59231
release to the community.				59232
In addition, appropriation item 332-401, Forensic Services,				59233
may be used to support projects involving mental health, substance				59234
abuse, courts, and law enforcement to identify and develop				59235
appropriate alternative services to incarceration for nonviolent				59236
mentally ill offenders, and to provide specialized re-entry				59237
services to offenders leaving prisons and jails. Funds may also be				59238
utilized to provide forensic monitoring and tracking in addition				59239

to community programs serving persons of forensic status on				59240
conditional release or probation.				59241
<b>Section 335.20. Division of Mental Health--</b>				59242
Administration and Statewide Programs				59243
General Revenue Fund				59244
GRF 333-321 Central Administration	\$	23,750,000	\$ 23,750,000	59245
GRF 333-402 Resident Trainees	\$	1,364,919	\$ 1,364,919	59246
GRF 333-403 Pre-Admission	\$	650,135	\$ 650,135	59247
Screening Expenses				
GRF 333-415 Lease-Rental Payments	\$	23,767,400	\$ 20,504,500	59248
GRF 333-416 Research Program	\$	1,001,551	\$ 1,001,551	59249
Evaluation				
TOTAL GRF General Revenue Fund	\$	50,534,005	\$ 47,271,105	59250
General Services Fund Group				59251
149 333-609 Central Office	\$	1,200,000	\$ 1,200,000	59252
Operating				
TOTAL General Services Fund Group	\$	1,200,000	\$ 1,200,000	59253
Federal Special Revenue Fund Group				59254
3A6 333-608 Community & Hospital	\$	140,000	\$ 140,000	59255
Services				
3A7 333-612 Social Services Block	\$	25,000	\$ 25,000	59256
Grant				
3A8 333-613 Federal Grant -	\$	4,888,105	\$ 4,888,105	59257
Administration				
3A9 333-614 Mental Health Block	\$	748,470	\$ 748,470	59258
Grant - Administration				
3B1 333-635 Community Medicaid	\$	13,691,682	\$ 13,691,682	59259
Expansion				
324 333-605 Medicaid/Medicare	\$	154,500	\$ 154,500	59260
TOTAL Federal Special Revenue				59261
Fund Group	\$	19,647,757	\$ 19,647,757	59262

State Special Revenue Fund Group				59263
232 333-621 Family and Children	\$	625,000	\$ 625,000	59264
First Administration				
4X5 333-607 Behavioral Health	\$	3,000,634	\$ 3,000,634	59265
Medicaid Services				
485 333-632 Mental Health	\$	134,233	\$ 134,233	59266
Operating				
5V2 333-611 Non-Federal	\$	580,000	\$ 560,000	59267
Miscellaneous				
TOTAL State Special Revenue				59268
Fund Group	\$	4,339,867	\$ 4,319,867	59269
TOTAL ALL BUDGET FUND GROUPS	\$	75,721,629	\$ 72,438,729	59270

**Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS** 59272

The foregoing appropriation item 333-402, Resident Trainees, 59273  
shall be used to fund training agreements entered into by the 59274  
Department of Mental Health for the development of curricula and 59275  
the provision of training programs to support public mental health 59276  
services. 59277

**Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES** 59278

The foregoing appropriation item 333-403, Pre-Admission 59279  
Screening Expenses, shall be used to pay for costs to ensure that 59280  
uniform statewide methods for pre-admission screening are in place 59281  
to perform assessments for persons who have severe mental illness 59282  
and are referred for long-term Medicaid certified nursing facility 59283  
placement. Pre-admission screening includes the following 59284  
activities: pre-admission assessment, consideration of continued 59285  
stay requests, discharge planning and referral, and adjudication 59286  
of appeals and grievance procedures. 59287

**Section 335.20.30. LEASE-RENTAL PAYMENTS** 59288

The foregoing appropriation item 333-415, Lease-Rental Payments, shall be used to meet all payments during the period from July 1, 2007, to June 30, 2009, by the Department of Mental Health under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

**Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES** 59296

The Department of Mental Health shall administer specified Medicaid Services as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 333-607, Behavioral Health Medicaid Services, may be used to make payments for free-standing psychiatric hospital inpatient services as defined in an interagency agreement with the Department of Job and Family Services.

**Section 335.20.50. PERFORMANCE REVIEW** 59304

The Auditor of State shall complete a performance review of the Department of Mental Health. Upon completing the performance review, the Auditor of State shall submit a report of the findings of the review to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Director of Mental Health.

**Section 335.30. DIVISION OF MENTAL HEALTH - HOSPITALS** 59311

General Revenue Fund 59312  
GRF 334-408 Community and Hospital \$ 400,324,545 \$ 400,324,545 59313  
Mental Health Services  
GRF 334-506 Court Costs \$ 976,652 \$ 976,652 59314  
TOTAL GRF General Revenue Fund \$ 401,301,197 \$ 401,301,197 59315  
General Services Fund Group 59316

149	334-609	Hospital - Operating Expenses	\$	33,800,000	\$	33,800,000	59317
150	334-620	Special Education	\$	120,930	\$	120,930	59318
TOTAL GSF General Services							59319
Fund Group			\$	33,920,930	\$	33,920,930	59320
Federal Special Revenue Fund Group							59321
3A6	334-608	Subsidy for Federal Grants	\$	586,224	\$	586,224	59322
3A8	334-613	Federal Letter of Credit	\$	200,000	\$	200,000	59323
3B0	334-617	Adult Basic and Literary Education	\$	182,334	\$	182,334	59324
3B1	334-635	Hospital Medicaid Expansion	\$	2,000,000	\$	2,000,000	59325
324	334-605	Medicaid/Medicare	\$	34,500,000	\$	50,500,000	59326
TOTAL FED Federal Special Revenue							59327
Fund Group			\$	37,468,558	\$	53,468,558	59328
State Special Revenue Fund Group							59329
485	334-632	Mental Health Operating	\$	3,100,000	\$	3,100,000	59330
692	334-636	Community Mental Health Board Risk Fund	\$	80,000	\$	80,000	59331
TOTAL SSR State Special Revenue							59332
Fund Group			\$	3,180,000	\$	3,180,000	59333
TOTAL ALL BUDGET FUND GROUPS			\$	475,870,685	\$	496,870,685	59334

**Section 335.30.20. COMMUNITY MENTAL HEALTH BOARD RISK FUND** 59336

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. 59337  
59338  
59339

**Section 335.40. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT** 59340

SERVICES				59341
General Revenue Fund				59342
GRF 335-404 Behavioral Health	\$	8,076,153	\$ 8,711,153	59343
Services-Children				
GRF 335-405 Family & Children	\$	2,260,000	\$ 2,260,000	59344
First				
GRF 335-419 Community Medication	\$	7,959,798	\$ 7,959,798	59345
Subsidy				
GRF 335-505 Local Mental Health	\$	101,937,868	\$ 101,937,868	59346
Systems of Care				
TOTAL GRF General Revenue Fund	\$	120,233,819	\$ 120,868,819	59347
General Services Fund Group				59348
4P9 335-604 Community Mental	\$	250,000	\$ 250,000	59349
Health Projects				
TOTAL GSF General Services				59350
Fund Group	\$	250,000	\$ 250,000	59351
Federal Special Revenue Fund Group				59352
3A6 335-608 Federal Miscellaneous	\$	2,178,699	\$ 2,178,699	59353
3A7 335-612 Social Services Block	\$	8,657,288	\$ 8,657,288	59354
Grant				
3A8 335-613 Federal Grant -	\$	2,595,040	\$ 2,595,040	59355
Community Mental				
Health Board Subsidy				
3A9 335-614 Mental Health Block	\$	14,969,400	\$ 14,969,400	59356
Grant				
3B1 335-635 Community Medicaid	\$	299,614,455	\$ 316,699,716	59357
Expansion				
TOTAL FED Federal Special Revenue	\$	328,014,882	\$ 345,100,143	59358
Fund Group				
State Special Revenue Fund Group				59359
5AU 335-615 Behavioral Healthcare	\$	6,690,000	\$ 6,690,000	59360

632 335-616 Community Capital	\$	350,000	\$	350,000	59361
Replacement					
TOTAL SSR State Special Revenue	\$	7,040,000	\$	7,040,000	59362
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	455,538,701	\$	473,258,962	59363
DEPARTMENT TOTAL					59364
GENERAL REVENUE FUND	\$	576,407,879	\$	573,779,979	59365
DEPARTMENT TOTAL					59366
GENERAL SERVICES FUND GROUP	\$	169,430,930	\$	184,368,930	59367
DEPARTMENT TOTAL					59368
FEDERAL SPECIAL REVENUE					59369
FUND GROUP	\$	385,131,197	\$	418,216,458	59370
DEPARTMENT TOTAL					59371
STATE SPECIAL REVENUE FUND GROUP	\$	14,559,867	\$	14,539,867	59372
DEPARTMENT TOTAL					59373
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	1,145,529,873	\$	1,190,905,234	59374

**Section 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN** 59376

The foregoing appropriation item 335-404, Behavioral Health 59377  
 Services-Children, shall be used to provide behavioral health 59378  
 services for children and their families. Behavioral health 59379  
 services include mental health and alcohol and other drug 59380  
 treatment services and other necessary supports. 59381

Of the foregoing appropriation item 335-404, Behavioral 59382  
 Health Services-Children, an amount up to \$4.5 million in fiscal 59383  
 year 2008 and \$5.5 million in fiscal year 2009 shall be 59384  
 distributed to local Alcohol, Drug Addiction, and Mental Health 59385  
 Boards; Community Mental Health Boards; and Alcohol and Drug 59386  
 Addiction Boards, based upon a distribution formula and guidance 59387  
 defined by a team of state and local stakeholders appointed by the 59388  
 Ohio Family and Children First Cabinet Council. This team shall 59389  
 include, but not be limited to, all of the following: 59390

(A) At least one representative from each of the Departments of Alcohol and Drug Addiction Services, Mental Health, Education, Health, Job and Family Services, Mental Retardation and Developmental Disabilities, and the Department of Youth Services;	59391 59392 59393 59394
(B) At least one person representing local public children's services agencies;	59395 59396
(C) At least one person representing juvenile courts;	59397
(D) At least one person representing local Alcohol, Drug Addiction, and Mental Health Boards; Community Mental Health Boards; and Alcohol and Drug Addiction Boards;	59398 59399 59400
(E) At least one person representing local Family and Children First Council Coordinators;	59401 59402
(F) At least one family representative.	59403
Funds may be used to support the following services and activities as determined by local Alcohol, Drug Addiction, and Mental Health Boards; Community Mental Health Boards; and Alcohol and Drug Addiction Boards and local family and children first councils and aligned with county service coordination mechanism as described in division (C) of section 121.37 of the Revised Code:	59404 59405 59406 59407 59408 59409
(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;	59410 59411 59412 59413
(B) Services and supports for children and their families that further the implementation of their individual service plans;	59414 59415
(C) Treatment services in out-of-home settings, including residential facilities, when other alternatives are not available or feasible;	59416 59417 59418
(D) Administrative support for efforts associated with this initiative;	59419 59420

(E) These funds shall not be used to supplant existing 59421  
efforts. 59422

Of the foregoing appropriation item 335-404, Behavioral 59423  
Health Services-Children, an amount up to \$1.0 million in fiscal 59424  
year 2008 and \$1.0 million in fiscal year 2009 shall be used to 59425  
support projects, as determined by the Ohio Family and Children 59426  
First Cabinet Council, in select areas around the state to focus 59427  
on improving behavioral health juvenile justice services. 59428

Of the foregoing appropriation item 335-405, Family & 59429  
Children First, an amount up to \$500,000 in fiscal year 2008 and 59430  
\$500,000 in fiscal year 2009 shall be used for children for whom 59431  
the primary focus of treatment is not a mental health or alcohol 59432  
or drug addiction disorder and require services or supports to 59433  
assist those needs through the County Family and Children First 59434  
Council. 59435

**Section 335.40.20. COMMUNITY MEDICATION SUBSIDY** 59436

The foregoing appropriation item 335-419, Community 59437  
Medication Subsidy, shall be used to provide subsidized support 59438  
for psychotropic medication needs of indigent citizens in the 59439  
community to reduce unnecessary hospitalization because of lack of 59440  
medication and to provide subsidized support for methadone costs. 59441

**Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE** 59442

The foregoing appropriation item 335-505, Local Mental Health 59443  
Systems of Care, shall be used for mental health services provided 59444  
by community mental health boards in accordance with a community 59445  
mental health plan submitted under section 340.03 of the Revised 59446  
Code and as approved by the Department of Mental Health. 59447

Of the foregoing appropriation item 334-505, Local Mental 59448  
Health Systems of Care, not less than \$37,058,917 in fiscal year 59449  
2008 and not less than \$37,058,917 in fiscal year 2009 shall be 59450

distributed by the Department of Mental Health on a per capita basis to community mental health boards. 59451  
 59452

Of the foregoing appropriation item 335-505, Local Mental Health Systems of Care, \$10,000 in each fiscal year shall be allocated to The Gathering Place in Athens. 59453  
 59454  
 59455

**Section 337.10.** DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 59456  
 59457

**Section 337.20.** GENERAL ADMINISTRATION AND STATEWIDE SERVICES 59458  
 59459

General Revenue Fund 59460

GRF 320-321 Central Administration	\$	9,638,610	\$	9,638,610	59461
GRF 320-412 Protective Services	\$	2,792,322	\$	2,792,322	59462
GRF 320-415 Lease-Rental Payments	\$	23,767,400	\$	20,504,500	59463
TOTAL GRF General Revenue Fund	\$	36,198,332	\$	32,935,432	59464

General Services Fund Group 59465

4B5 320-640 Training and Service Development	\$	100,000	\$	100,000	59466
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TOTAL GSF General Services Fund Group 59467

Fund Group	\$	100,000	\$	100,000	59468
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Federal Special Revenue Fund Group 59469

3A5 320-613 DD Council	\$	2,705,004	\$	2,743,630	59470
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TOTAL FED Federal Special Revenue Fund Group 59471

Fund Group	\$	2,705,004	\$	2,743,630	59472
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State Special Revenue Fund Group 59473

5S2 590-622 Medicaid Administration & Oversight	\$	11,003,855	\$	11,472,335	59474
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TOTAL SSR State Special Revenue Fund Group 59475

Fund Group	\$	11,003,855	\$	11,472,335	59476
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TOTAL ALL GENERAL ADMINISTRATION 59477

AND STATEWIDE SERVICES 59478  
BUDGET FUND GROUPS \$ 50,007,191 \$ 47,251,397 59479

**Section 337.20.10. LEASE-RENTAL PAYMENTS** 59480

The foregoing appropriation item 320-415, Lease-Rental 59481  
Payments, shall be used to meet all payments at the time they are 59482  
required to be made during the period from July 1, 2007, to June 59483  
30, 2009, by the Department of Mental Retardation and 59484  
Developmental Disabilities under leases and agreements made under 59485  
section 154.20 of the Revised Code. These appropriations are the 59486  
source of funds pledged for bond service charges or obligations 59487  
issued pursuant to Chapter 154. of the Revised Code. 59488

**Section 337.20.20. MR/DD FUTURES STUDY COMMITTEE** 59489

(A) There is hereby created the MR/DD Futures Study 59490  
Committee. The Committee shall consist of the following: 59491

(1) One member who is an individual eligible to receive 59492  
services from a county board of mental retardation and 59493  
developmental disabilities, appointed by the Governor; 59494

(2) One member who is an immediate family member of an 59495  
individual eligible to receive services from a county board of 59496  
mental retardation and developmental disabilities, appointed by 59497  
the Governor; 59498

(3) Two members who are members of the House of 59499  
Representatives, appointed by the Speaker of the House of 59500  
Representatives as follows: 59501

(a) One member from the majority party; 59502

(b) One member from the minority party. 59503

(4) Two members who are members of the Senate, appointed by 59504  
the President of the Senate as follows: 59505

(a) One member from the majority party; 59506

(b) One member from the minority party.	59507
(5) Four members of statewide advocacy organizations for individuals with mental retardation or other developmental disabilities, appointed as follows:	59508 59509 59510
(a) One member by the Board of Trustees of the Arc of Ohio;	59511
(b) One member by the Board of Directors of the Ohio League for the Mentally Retarded;	59512 59513
(c) One member by the Board of People First of Ohio;	59514
(d) One member by the governing board of an organization designated by the Director of Mental Retardation and Developmental Disabilities;	59515 59516 59517
(6) One member appointed by the Board of Directors of the Ohio Self-Determination Association;	59518 59519
(7) One member appointed by the governing authority of the Ohio Superintendents of County Boards of Mental Retardation and Developmental Disabilities Association;	59520 59521 59522
(8) Two members appointed by the Board of Trustees of the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities;	59523 59524 59525
(9) One member appointed by the Board of Trustees of the County Commissioners' Association of Ohio;	59526 59527
(10) Two members appointed by the Board of Trustees of the Ohio Provider Resource Association;	59528 59529
(11) One member appointed by the Board of Directors of the Ohio Health Care Association;	59530 59531
(12) The Director of Job and Family Services or the Director's designee;	59532 59533
(13) Two members appointed by the Governor who are representatives of statewide labor organizations representing	59534 59535

public employees; 59536

(14) The Director of Mental Retardation and Developmental 59537  
Disabilities, who shall serve as the committee's chairperson. 59538

(B) The Governor shall not appoint an individual under 59539  
division (A)(1) or (2) of this section if the individual is an 59540  
employee of the state, an employee or member of a county board of 59541  
mental retardation and developmental disabilities, or an employee 59542  
or a governing board member of a provider of services to an 59543  
individual with mental retardation and developmental disabilities. 59544

(C) Members of the Committee shall be appointed not later 59545  
than thirty days after the effective date of this section. Members 59546  
of the Committee shall serve without compensation, except to the 59547  
extent that serving on the committee is considered part of their 59548  
regular employment duties. The Department of Mental Retardation 59549  
and Developmental Disabilities may reimburse members of the 59550  
Committee for their reasonable travel expenses. 59551

(D) The Committee shall meet at times and locations 59552  
determined by the chairperson to do all of the following: 59553

(1) Review the effectiveness, efficiency, and sustainability 59554  
of current uses of funding for the state's mental retardation and 59555  
developmental disabilities system; 59556

(2) Propose alternatives for effectively funding the 59557  
nonfederal share of Medicaid expenditures for home and 59558  
community-based services for individuals with mental retardation 59559  
and other developmental disabilities, including the amendments by 59560  
this act to sections 5123.047, 5123.048, 5123.0414, 5126.059, 59561  
5126.0510, 5126.0511, and 5126.0512 of the Revised Code. 59562

(3) Identify the potential for reducing administrative costs 59563  
in the state's mental retardation and developmental disabilities 59564  
system; 59565

(4) Propose alternatives for effectively balancing revenues available to the state and the county boards of mental retardation and developmental disabilities to fulfill their responsibilities for funding, planning, and monitoring the delivery of mental retardation and developmental disability services;	59566 59567 59568 59569 59570
(5) Examine the efficiency and effectiveness of the current system of separate and concurrent mental retardation and developmental disabilities accreditation, licensure, certification, quality assurance, and quality improvement activities and propose changes to improve that system;	59571 59572 59573 59574 59575
(6) Recommend steps necessary to assure the long term financial sustainability of mental retardation and developmental disability services to meet current and future needs while affording counties the ability to make local decisions about the priority uses of local tax levy funding;	59576 59577 59578 59579 59580
(7) Determine the feasibility and potential benefits of regional planning approaches to meet specialized and intensive service needs;	59581 59582 59583
(8) Propose improvements needed and action steps to fully realize the principle of self-determination by individuals with mental retardation and other developmental disabilities;	59584 59585 59586
(9) Evaluate the effectiveness and equity of the state's mental retardation and developmental disabilities systems' uses of waiting and service substitution lists, priority populations, and having separate acuity instruments that vary by service setting;	59587 59588 59589 59590
(10) Review other matters the Director of Mental Retardation and Developmental Disabilities considers appropriate for evaluations.	59591 59592 59593
(E) The Committee shall not transact business unless a quorum is present. A majority of the Committee members constitutes a quorum.	59594 59595 59596

(F) Not later than March 30, 2008, the Committee shall submit a report on its actions and recommendations to the Governor and General Assembly. The Committee shall cease to exist on submission of the report.

					59597
					59598
					59599
					59600
					59601
					59602
GRF 322-413	Residential and Support Services	\$ 6,753,881	\$ 6,753,881		59603
GRF 322-416	Medicaid Waiver - State Match	\$ 113,692,413	\$ 113,692,413		59604
GRF 322-501	County Boards Subsidies	\$ 90,067,913	\$ 90,067,913		59605
GRF 322-503	Tax Equity	\$ 14,000,000	\$ 14,000,000		59606
GRF 322-504	Martin Settlement	\$ 6,159,766	\$ 29,036,451		59607
TOTAL GRF	General Revenue Fund	\$ 230,673,973	\$ 253,550,658		59608
					59609
488 322-603	Provider Audit Refunds	\$ 10,000	\$ 10,000		59610
5MO 322-628	Martin Settlement	\$ 150,000	\$ 0		59611
TOTAL GSF	General Services Fund Group				59612
		\$ 160,000	\$ 10,000		59613
					59614
3G6 322-639	Medicaid Waiver - Federal	\$ 456,311,171	\$ 506,618,829		59615
3M7 322-650	CAFS Medicaid	\$ 4,278,713	\$ 0		59616
325 322-612	Community Social Service Programs	\$ 11,186,114	\$ 11,164,639		59617
TOTAL FED	Federal Special Revenue Fund Group				59618
		\$ 471,775,998	\$ 517,783,468		59619
					59620
4K8 322-604	Medicaid Waiver -	\$ 12,000,000	\$ 12,000,000		59621

	State Match			
5DJ 322-625	Targeted Case	\$ 11,082,857	\$ 11,470,757	59622
	Management Match			
5DJ 322-626	Targeted Case	\$ 27,548,737	\$ 28,512,943	59623
	Management Services			
5EV 322-627	Program Fees	\$ 20,000	\$ 20,000	59624
5H0 322-619	Medicaid Repayment	\$ 10,000	\$ 10,000	59625
5Z1 322-624	County Board Waiver	\$ 116,000,000	\$ 126,000,000	59626
	Match			
TOTAL SSR State Special Revenue				59627
Fund Group		\$ 166,661,594	\$ 178,013,700	59628
TOTAL ALL COMMUNITY SERVICES				59629
BUDGET FUND GROUPS		\$ 869,271,565	\$ 949,357,826	59630

**Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES** 59632

The Department of Mental Retardation and Developmental 59633  
 Disabilities may designate a portion of appropriation item 59634  
 322-413, Residential and Support Services, for Sermak Class 59635  
 Services used to implement the requirements of the agreement 59636  
 settling the condecree in *Sermak v. Manuel*, Case No. c-2-80-220, 59637  
 United States District Court for the Southern District of Ohio, 59638  
 Eastern Division. 59639

**Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE** 59640

PROGRAMS 59641

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 59642  
 the Department of Mental Retardation and Developmental 59643  
 Disabilities may develop residential and support service programs 59644  
 funded by appropriation item 322-413, Residential and Support 59645  
 Services; and appropriation item 322-416, Medicaid Waiver - State 59646  
 Match, and the appropriation for supported living in appropriation 59647  
 item 322-501, County Board Subsidy, that enable persons with 59648  
 mental retardation and developmental disabilities to live in the 59649

community. Notwithstanding Chapter 5121. and section 5123.122 of 59650  
the Revised Code, the Department may waive the support collection 59651  
requirements of those statutes for persons in community programs 59652  
developed by the Department under this section. The Department 59653  
shall adopt rules under Chapter 119. of the Revised Code or may 59654  
use existing rules for the implementation of these programs. 59655

**Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF)** 59656

The purposes for which the foregoing appropriation item 59657  
322-416, Medicaid Waiver - State Match, shall be used include the 59658  
following: 59659

(A) Home and community-based waiver services under Title XIX 59660  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 59661  
as amended. 59662

(B) Services contracted by county boards of mental 59663  
retardation and developmental disabilities. 59664

(C) To pay the nonfederal share of the cost of one or more 59665  
new intermediate care facility for the mentally retarded certified 59666  
beds in a county where the county board of mental retardation and 59667  
developmental disabilities does not initiate or support the 59668  
development or certification of such beds, if the Director of 59669  
Mental Retardation and Developmental Disabilities is required by 59670  
this act to transfer to the Director of Job and Family Services 59671  
funds to pay such nonfederal share. 59672

The Department of Mental Retardation and Developmental 59673  
Disabilities may designate a portion of appropriation item 59674  
322-416, Medicaid Waiver - State Match, to county boards of mental 59675  
retardation and developmental disabilities that have greater need 59676  
for various residential and support services because of a low 59677  
percentage of residential and support services development in 59678  
comparison to the number of individuals with mental retardation or 59679

developmental disabilities in the county. 59680

**Section 337.30.40.** STATE SUBSIDY TO COUNTY MR/DD BOARDS 59681

The Department of Mental Retardation and Developmental 59682  
Disabilities shall use the foregoing appropriation item 322-501, 59683  
County Boards Subsidy, to pay each county board of mental 59684  
retardation and developmental disabilities in each fiscal year of 59685  
the biennium an amount that is equal to the amount such board 59686  
received in fiscal year 2007 from former appropriation items 59687  
322-417, Supported Living; 322-451, Family Support Services; 59688  
322-452, Service and Support Administration; and 322-501, County 59689  
Boards Subsidies. 59690

County boards shall use the subsidy for early childhood 59691  
services and adult services provided under section 5126.05 of the 59692  
Revised Code, family support services provided under section 59693  
5126.11 of the Revised Code, service and support administration 59694  
provided under section 5126.15 of the Revised Code, and supported 59695  
living services provided under sections 5126.40 to 5126.47 of the 59696  
Revised Code. 59697

In the event that the appropriation in appropriation item 59698  
322-501, County Board Subsidy, for fiscal year 2008 or fiscal year 59699  
2009 is greater than the subsidy paid by the Department for fiscal 59700  
year 2007, the Department and county boards shall develop a 59701  
formula for allocating the additional appropriation to each county 59702  
board to support priorities determined by the Department and 59703  
county boards. 59704

The Department shall distribute this subsidy to county boards 59705  
in quarterly installments of equal amounts. The installments shall 59706  
be made not later than the thirtieth day of September, the 59707  
thirty-first day of December, the thirty-first day of March, and 59708  
thirtieth day of June. 59709

The Department also may use the foregoing appropriation item 59710  
322-501, County Boards Subsidy, to pay the nonfederal share of the 59711  
cost of one or more new intermediate care facility for the 59712  
mentally retarded certified beds in a county where the county 59713  
board of mental retardation and developmental disabilities 59714  
initiates or supports the development or certification of such 59715  
beds, if the Director of Mental Retardation and Developmental 59716  
Disabilities is required by this act to transfer to the Director 59717  
of Job and Family Services funds to pay such nonfederal share. 59718

**Section 337.30.45. MARTIN CONSENT ORDER COMPLIANCE** 59719

To comply with the Martin Consent Order, on July 1, 2007, or 59720  
as soon as possible thereafter, the Director of Budget and 59721  
Management shall transfer \$150,000 in cash from the General 59722  
Revenue Fund to the Program Income Fund (FUND 5MO). 59723

**Section 337.30.50. MEDICAID WAIVER - STATE MATCH (FUND 4K8)** 59724

The foregoing appropriation item 322-604, Medicaid Waiver - 59725  
State Match (Fund 4K8), shall be used as state matching funds for 59726  
the home and community-based waivers. 59727

**Section 337.30.60. TARGETED CASE MANAGEMENT SERVICES** 59728

County boards of mental retardation and developmental 59729  
disabilities shall pay the nonfederal portion of targeted case 59730  
management costs to the Department of Mental Retardation and 59731  
Developmental Disabilities. The Director of Mental Retardation and 59732  
Developmental Disabilities shall withhold any amount owed to the 59733  
Department from subsequent disbursements from any appropriation 59734  
item or money otherwise due to a nonpaying county. 59735

The Departments of Mental Retardation and Developmental 59736  
Disabilities and Job and Family Services may enter into an 59737  
interagency agreement under which the Department of Mental 59738

Retardation and Developmental Disabilities shall pay the 59739  
Department of Job and Family Services the nonfederal portion of 59740  
the cost of targeted case management services paid by county 59741  
boards and the Department of Job and Family Services shall pay the 59742  
total cost of targeted case management claims. 59743

**Section 337.30.70.** TRANSFER TO PROGRAM FEE FUND 59744

On July 1, 2007, or as soon as possible thereafter, the 59745  
Director of Mental Retardation and Developmental Disabilities 59746  
shall certify to the Director of Budget and Management the amount 59747  
of cash that has been deposited into Fund 4B5, 59748  
Conference/Training, pursuant to sections 5123.19 and 5126.25 of 59749  
the Revised Code, less the amount that has been expended from Fund 59750  
4B5 to operate the Certification and Registration Program 59751  
established under section 5126.25 of the Revised Code and to 59752  
license and inspect residential facilities as outlined in section 59753  
5123.19 of the Revised Code. The certified amount shall not 59754  
include amounts deposited into Fund 4B5 for training and 59755  
conferences conducted by the Department of Mental Retardation and 59756  
Developmental Disabilities. Upon receipt of the certification, the 59757  
Director of Budget and Management shall transfer cash equal to the 59758  
amount certified and all associated liabilities and obligations to 59759  
Fund 5EV, Program Fee Fund, in the Department of Mental 59760  
Retardation and Developmental Disabilities. 59761

**Section 337.30.80.** DEVELOPMENTAL CENTER BILLING FOR SERVICES 59762

Developmental centers of the Department of Mental Retardation 59763  
and Developmental Disabilities may provide services to persons 59764  
with mental retardation or developmental disabilities living in 59765  
the community or to providers of services to these persons. The 59766  
Department may develop a method for recovery of all costs 59767  
associated with the provisions of these services. 59768

<b>Section 337.40. RESIDENTIAL FACILITIES</b>			59769
General Revenue Fund			59770
GRF 323-321	Developmental Center and Residential Facilities Operation Expenses	\$ 102,796,851 \$ 102,796,851	59771
TOTAL GRF	General Revenue Fund	\$ 102,796,851 \$ 102,796,851	59772
General Services Fund Group			59773
152 323-609	Developmental Center and Residential Operating Services	\$ 912,177 \$ 912,177	59774
TOTAL GSF	General Services Fund Group	\$ 912,177 \$ 912,177	59775
Federal Special Revenue Fund Group			59777
3A4 323-605	Developmental Center and Residential Facility Services and Support	\$ 136,299,536 \$ 137,555,308	59778
TOTAL FED	Federal Special Revenue Fund Group	\$ 136,299,536 \$ 137,555,308	59779
State Special Revenue Fund Group			59781
221 322-620	Supplement Service Trust	\$ 150,000 \$ 150,000	59782
489 323-632	Developmental Center Direct Care Support	\$ 14,543,764 \$ 14,671,616	59783
TOTAL SSR	State Special Revenue Fund Group	\$ 14,693,764 \$ 14,821,616	59784
TOTAL ALL RESIDENTIAL FACILITIES			59786
BUDGET FUND GROUPS			59787
DEPARTMENT TOTAL			59788
GENERAL REVENUE FUND			59789

DEPARTMENT TOTAL				59790	
GENERAL SERVICES FUND GROUP	\$	1,172,177	\$	1,022,177	59791
DEPARTMENT TOTAL				59792	
FEDERAL SPECIAL REVENUE FUND GROUP	\$	610,780,538	\$	658,082,406	59793
DEPARTMENT TOTAL				59794	
STATE SPECIAL REVENUE FUND GROUP	\$	192,359,213	\$	204,307,651	59795
TOTAL DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES					59796
	\$	1,173,981,084	\$	1,252,695,175	59798

**Section 337.40.10.** TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 59800  
PHARMACY PROGRAMS 59801

The Department of Mental Retardation and Developmental 59802  
Disabilities shall pay the Department of Job and Family Services 59803  
quarterly, through intrastate transfer voucher, the nonfederal 59804  
share of Medicaid prescription drug claim costs for all 59805  
developmental centers paid by the Department of Job and Family 59806  
Services. 59807

**Section 337.40.20.** NONFEDERAL MATCH FOR ACTIVE TREATMENT 59808  
SERVICES 59809

Any county funds received by the Department from county 59810  
boards for active treatment shall be deposited in Fund 489, Mental 59811  
Retardation Operating. 59812

**Section 337.40.30.** NONFEDERAL SHARE OF NEW ICF/MR BEDS 59813

(A) As used in this section: 59814

(1) "Family support services," "home and community-based 59815  
services," "service and support administration," and "supported 59816  
living" have the same meaning as in section 5126.01 of the Revised 59817  
Code. 59818

(2) "Intermediate care facility for the mentally retarded" 59819

has the same meaning as in section 5111.20 of the Revised Code. 59820

(B) If one or more new beds obtain certification as an 59821  
intermediate care facility for the mentally retarded bed on or 59822  
after July 1, 2007, the Director of Mental Retardation and 59823  
Developmental Disabilities shall transfer funds to the Department 59824  
of Job and Family Services to pay the nonfederal share of the cost 59825  
under the Medicaid Program for those beds. The Director shall use 59826  
only the following funds for the transfer: 59827

(1) If the beds are located in a county served by a county 59828  
board of mental retardation and developmental disabilities that 59829  
does not initiate or support the beds' certification, funds 59830  
appropriated to the Department of Mental Retardation and 59831  
Developmental Disabilities for home and community-based services 59832  
and supported living for which the Director is authorized to make 59833  
allocations to county boards; 59834

(2) If the beds are located in a county served by a county 59835  
board that initiates or supports the beds' certification, funds 59836  
appropriated to the Department for family support services, 59837  
service and support administration, and other services for which 59838  
the Director is authorized to make allocations to counties. 59839

(C) The funds that the Director transfers under division 59840  
(B)(2) of this section shall be funds that the Director has 59841  
allocated to the county board serving the county in which the beds 59842  
are located unless the amount of the allocation is insufficient to 59843  
pay the entire nonfederal share of the cost under the Medicaid 59844  
Program for those beds. If the allocation is insufficient, the 59845  
Director shall use as much of such funds allocated to other 59846  
counties as is needed to make up the difference. 59847

**Section 339.10.** MIH COMMISSION ON MINORITY HEALTH 59848

General Revenue Fund 59849

GRF 149-321 Operating Expenses	\$	550,211	\$	561,216	59850
GRF 149-501 Minority Health Grants	\$	670,965	\$	1,670,965	59851
GRF 149-502 Lupus Program	\$	136,126	\$	136,126	59852
TOTAL GRF General Revenue Fund	\$	1,357,302	\$	2,368,307	59853
Federal Special Revenue Fund Group					59854
3J9 149-602 Federal Grants	\$	457,486	\$	320,297	59855
TOTAL FED Federal Special Revenue					59856
Fund Group	\$	457,486	\$	320,297	59857
State Special Revenue Fund Group					59858
4C2 149-601 Minority Health	\$	150,000	\$	150,000	59859
Conference					
TOTAL SSR State Special Revenue					59860
Fund Group	\$	150,000	\$	150,000	59861
TOTAL ALL BUDGET FUND GROUPS	\$	1,964,788	\$	2,838,604	59862

**Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR** 59864

REGISTRATION BOARD 59865

General Service Fund Group 59866

4K9 865-601 Operating Expenses \$ 334,995 \$ 334,995 59867

TOTAL GSF General Services 59868

Fund Group \$ 334,995 \$ 334,995 59869

TOTAL ALL BUDGET FUND GROUPS \$ 334,995 \$ 334,995 59870

CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND 59871

(FUND 4K9) 59872

Effective July 1, 2007, or as soon as possible thereafter, 59873

the Director of Budget and Management may transfer the cash 59874

balance in the Motor Vehicle Collision Repair Registration Fund 59875

(Fund 5H9), created in division (A) of section 4775.08 of the 59876

Revised Code, to the Occupational Licensing and Regulatory Fund 59877

(Fund 4K9), created in section 4743.05 of the Revised Code. The 59878

Director may cancel any existing encumbrances against 59879

appropriation item 865-609, Operating Expenses - CRB, in Fund 5H9, 59880

and re-establish them against appropriation item 865-601, 59881  
 Operating Expenses, in Fund 4K9. The amounts of the re-established 59882  
 encumbrances are hereby appropriated. The Motor Vehicle Collision 59883  
 Repair Registration Fund (Fund 5H9), created in division (A) of 59884  
 section 4775.08 of the Revised Code, is hereby abolished. 59885

**Section 343.10.** DNR DEPARTMENT OF NATURAL RESOURCES 59886

General Revenue Fund 59887

GRF 725-401 Wildlife-GRF Central \$ 2,705,950 \$ 2,800,930 59888  
 Support

GRF 725-404 Fountain Square Rental \$ 1,094,900 \$ 1,081,200 59889  
 Payments - OBA

GRF 725-407 Conservation Reserve \$ 1,000,000 \$ 1,000,000 59890  
 Enhancement Program

GRF 725-413 Lease Rental Payments \$ 19,589,400 \$ 18,316,200 59891

GRF 725-423 Stream and Ground \$ 311,910 \$ 311,910 59892  
 Water Gauging

GRF 725-425 Wildlife License \$ 500,000 \$ 400,000 59893  
 Reimbursement

GRF 725-456 Canal Lands \$ 332,859 \$ 332,859 59894

GRF 725-502 Soil and Water \$ 12,222,420 \$ 12,880,791 59895  
 Districts

GRF 725-903 Natural Resources \$ 24,713,800 \$ 25,723,000 59896  
 General Obligation  
 Debt Service

GRF 727-321 Division of Forestry \$ 8,541,511 \$ 8,541,511 59897

GRF 728-321 Division of Geological \$ 1,799,222 \$ 1,825,150 59898  
 Survey

GRF 729-321 Office of Information \$ 440,895 \$ 440,895 59899  
 Technology

GRF 730-321 Division of Parks and \$ 39,874,841 \$ 39,874,841 59900  
 Recreation

GRF 733-321	Division of Water	\$	3,207,619	\$	3,257,619	59901
GRF 736-321	Division of Engineering	\$	3,118,703	\$	3,118,703	59902
GRF 737-321	Division of Soil and Water	\$	4,074,788	\$	4,074,788	59903
GRF 738-321	Division of Real Estate and Land Management	\$	2,291,874	\$	2,291,874	59904
GRF 741-321	Division of Natural Areas and Preserves	\$	3,050,000	\$	3,050,000	59905
GRF 744-321	Division of Mineral Resources Management	\$	3,068,167	\$	3,068,167	59906
TOTAL GRF	General Revenue Fund	\$	131,938,859	\$	132,390,438	59907
	General Services Fund Group					59908
155 725-601	Departmental Projects	\$	2,259,402	\$	2,260,021	59909
157 725-651	Central Support Indirect	\$	6,228,950	\$	6,528,675	59910
204 725-687	Information Services	\$	4,676,627	\$	4,676,627	59911
207 725-690	Real Estate Services	\$	64,000	\$	64,000	59912
223 725-665	Law Enforcement Administration	\$	2,230,485	\$	2,358,307	59913
227 725-406	Parks Projects Personnel	\$	110,000	\$	110,000	59914
4D5 725-618	Recycled Materials	\$	50,000	\$	50,000	59915
4S9 725-622	NatureWorks Personnel	\$	525,000	\$	525,000	59916
4X8 725-662	Water Resources Council	\$	125,000	\$	125,000	59917
430 725-671	Canal Lands	\$	1,150,082	\$	1,150,082	59918
508 725-684	Natural Resources Publications	\$	148,527	\$	148,280	59919
510 725-631	Maintenance - State-owned Residences	\$	353,611	\$	303,611	59920
516 725-620	Water Management	\$	2,913,618	\$	2,931,513	59921

635	725-664	Fountain Square Facilities Management	\$	3,609,835	\$	3,640,398	59922
697	725-670	Submerged Lands	\$	751,342	\$	772,011	59923
TOTAL GSF General Services							59924
Fund Group			\$	25,196,479	\$	25,643,525	59925
Federal Special Revenue Fund Group							59926
3B3	725-640	Federal Forest Pass-Thru	\$	225,000	\$	225,000	59927
3B4	725-641	Federal Flood Pass-Thru	\$	490,000	\$	490,000	59928
3B5	725-645	Federal Abandoned Mine Lands	\$	14,307,664	\$	14,307,667	59929
3B6	725-653	Federal Land and Water Conservation Grants	\$	2,000,000	\$	2,000,000	59930
3B7	725-654	Reclamation - Regulatory	\$	2,107,291	\$	2,107,292	59931
3P0	725-630	Natural Areas and Preserves - Federal	\$	215,000	\$	215,000	59932
3P1	725-632	Geological Survey - Federal	\$	655,000	\$	720,000	59933
3P2	725-642	Oil and Gas-Federal	\$	226,961	\$	234,509	59934
3P3	725-650	Coastal Management - Federal	\$	2,643,323	\$	1,691,237	59935
3P4	725-660	Water - Federal	\$	316,304	\$	316,734	59936
3R5	725-673	Acid Mine Drainage Abatement/Treatment	\$	1,999,998	\$	2,025,001	59937
3Z5	725-657	REALM-Federal	\$	1,850,000	\$	1,850,000	59938
332	725-669	Federal Mine Safety Grant	\$	258,102	\$	258,102	59939
TOTAL FED Federal Special Revenue							59940
Fund Group			\$	27,294,643	\$	26,440,542	59941
State Special Revenue Fund Group							59942

4J2	725-628	Injection Well Review	\$	67,578	\$	68,933	59943
4M7	725-631	Wildfire Suppression	\$	70,000	\$	0	59944
4M7	725-686	Wildfire Suppression	\$	100,000	\$	100,000	59945
4U6	725-668	Scenic Rivers Protection	\$	407,100	\$	407,100	59946
5BV	725-683	Soil and Water Districts	\$	1,850,000	\$	1,850,000	59947
5B3	725-674	Mining Regulation	\$	28,850	\$	28,850	59948
5K1	725-626	Urban Forestry Grant	\$	10,000	\$	12,000	59949
5P2	725-634	Wildlife Boater Angler Administration	\$	3,500,000	\$	3,500,000	59950
509	725-602	State Forest	\$	5,070,946	\$	5,211,924	59951
511	725-646	Ohio Geological Mapping	\$	815,179	\$	724,310	59952
512	725-605	State Parks Operations	\$	27,314,288	\$	27,314,288	59953
512	725-680	Parks Facilities Maintenance	\$	2,576,240	\$	2,576,240	59954
514	725-606	Lake Erie Shoreline	\$	917,113	\$	757,113	59955
518	725-643	Oil and Gas Permit Fees	\$	2,574,378	\$	2,586,568	59956
518	725-677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	59957
521	725-627	Off-Road Vehicle Trails	\$	198,490	\$	143,490	59958
522	725-656	Natural Areas and Preserves	\$	1,550,670	\$	1,550,670	59959
526	725-610	Strip Mining Administration Fee	\$	1,932,491	\$	1,903,871	59960
527	725-637	Surface Mining Administration	\$	1,852,842	\$	1,946,591	59961
529	725-639	Unreclaimed Land Fund	\$	2,892,516	\$	2,024,257	59962
531	725-648	Reclamation Forfeiture	\$	2,062,234	\$	2,062,237	59963
532	725-644	Litter Control and	\$	6,280,681	\$	6,280,681	59964

Recycling					
586	725-633	Scrap Tire Program	\$ 1,000,000	\$ 1,000,000	59965
615	725-661	Dam Safety	\$ 548,223	\$ 595,416	59966
TOTAL SSR State Special Revenue					59967
Fund Group			\$ 64,419,819	\$ 63,444,539	59968
Clean Ohio Fund Group					59969
061	725-405	Clean Ohio Operating	\$ 155,000	\$ 155,000	59970
TOTAL CLF Clean Ohio Fund Group					59971
Wildlife Fund Group					59972
015	740-401	Division of Wildlife	\$ 53,706,000	\$ 54,906,000	59973
Conservation					
815	725-636	Cooperative Management	\$ 120,449	\$ 120,449	59974
Projects					
816	725-649	Wetlands Habitat	\$ 966,885	\$ 966,885	59975
817	725-655	Wildlife Conservation	\$ 5,000,000	\$ 5,000,000	59976
Checkoff Fund					
818	725-629	Cooperative Fisheries	\$ 1,500,000	\$ 1,500,000	59977
Research					
819	725-685	Ohio River Management	\$ 128,584	\$ 128,584	59978
TOTAL WLF Wildlife Fund Group					59979
Waterways Safety Fund Group					59980
086	725-414	Waterways Improvement	\$ 3,925,075	\$ 4,062,452	59981
086	725-418	Buoy Placement	\$ 52,182	\$ 52,182	59982
086	725-501	Waterway Safety Grants	\$ 137,867	\$ 137,867	59983
086	725-506	Watercraft Marine	\$ 576,153	\$ 576,153	59984
Patrol					
086	725-513	Watercraft Educational	\$ 366,643	\$ 366,643	59985
Grants					
086	739-401	Division of Watercraft	\$ 19,626,681	\$ 20,166,681	59986
5AW	725-682	Watercraft Revolving	\$ 1,000,000	\$ 1,000,000	59987
Loans					
TOTAL WSF Waterways Safety Fund					59988

Group	\$	25,684,601	\$	26,361,978	59989
Holding Account Redistribution Fund Group					59990
R17 725-659 Performance Cash Bond	\$	279,263	\$	279,263	59991
Refunds					
R43 725-624 Forestry	\$	1,950,188	\$	2,007,977	59992
TOTAL 090 Holding Account					59993
Redistribution Fund Group	\$	2,229,451	\$	2,287,240	59994
Accrued Leave Liability Fund Group					59995
4M8 725-675 FOP Contract	\$	20,844	\$	20,844	59996
TOTAL ALF Accrued Leave					59997
Liability Fund Group	\$	20,844	\$	20,844	59998
TOTAL ALL BUDGET FUND GROUPS	\$	338,361,614	\$	339,366,024	59999

**Section 343.20. CENTRAL SUPPORT INDIRECT** 60001

With the exception of the Division of Wildlife, whose direct 60002  
and indirect central support charges shall be paid out of the 60003  
General Revenue Fund from the foregoing appropriation item 60004  
725-401, Wildlife-GRF Central Support, the Department of Natural 60005  
Resources, with approval of the Director of Budget and Management, 60006  
shall utilize a methodology for determining each division's 60007  
payments into the Central Support Indirect Fund (Fund 157). The 60008  
methodology used shall contain the characteristics of 60009  
administrative ease and uniform application in compliance with 60010  
federal grant requirements. It may include direct cost charges for 60011  
specific services provided. Payments to the Central Support 60012  
Indirect Fund (Fund 157) shall be made using an intrastate 60013  
transfer voucher. 60014

**Section 343.30. FOUNTAIN SQUARE** 60015

The foregoing appropriation item 725-404, Fountain Square 60016  
Rental Payments - OBA, shall be used by the Department of Natural 60017  
Resources to meet all payments required to be made to the Ohio 60018

Building Authority during the period from July 1, 2007, to June 30, 2009, pursuant to leases and agreements with the Ohio Building Authority under section 152.42 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 152. of the Revised Code.

The Director of Natural Resources, using intrastate transfer vouchers, shall make payments to the General Revenue Fund from funds other than the General Revenue Fund to reimburse the General Revenue Fund for the other funds' shares of the lease rental payments to the Ohio Building Authority. The transfers from the non-General Revenue funds shall be made within 10 days of the payment to the Ohio Building Authority for the actual amounts necessary to fulfill the leases and agreements pursuant to section 152.241 of the Revised Code.

The foregoing appropriation item 725-664, Fountain Square Facilities Management (Fund 635), shall be used for payment of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square Complex. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 635).

LEASE RENTAL PAYMENTS

The foregoing appropriation item 725-413, 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, 2007, to June 30, 2009, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges or obligations issued pursuant to Chapter 154. of the Revised Code.

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 60051

The foregoing appropriation item 725-903, Natural Resources 60052  
General Obligation Debt Service, shall be used to pay all debt 60053  
service and related financing costs during the period July 1, 60054  
2007, to June 30, 2009, on obligations issued under sections 60055  
151.01 and 151.05 of the Revised Code. 60056

**Section 343.40. WILDLIFE LICENSE REIMBURSEMENT** 60057

Notwithstanding the limits of the transfer from the General 60058  
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 60059  
of the Revised Code, up to the amount available in appropriation 60060  
item 725-425, Wildlife License Reimbursement, may be transferred 60061  
from the General Revenue Fund to the Wildlife Fund (Fund 015). 60062  
Pursuant to the certification of the Director of Budget and 60063  
Management of the amount of foregone revenue in accordance with 60064  
section 1533.15 of the Revised Code, the foregoing appropriation 60065  
item in the General Revenue Fund, appropriation item 725-425, 60066  
Wildlife License Reimbursement, shall be used to reimburse the 60067  
Wildlife Fund (Fund 015) for the cost of hunting and fishing 60068  
licenses and permits issued after June 30, 1990, to individuals 60069  
who are exempted under the Revised Code from license, permit, and 60070  
stamp fees. 60071

WILDLIFE CONSERVATION CHECKOFF FUND 60072

Of the foregoing appropriation item 725-655, Wildlife 60073  
Conservation Checkoff Fund, up to \$75,000 in each fiscal year 60074  
shall be used by the Ohio Wildlife Center for wildlife 60075  
preservation, wildlife protection, and wildlife education efforts. 60076

CANAL LANDS 60077

The foregoing appropriation item 725-456, Canal Lands, shall 60078  
be used to transfer funds to the Canal Lands Fund (Fund 430) to 60079  
provide operating expenses for the State Canal Lands Program. The 60080

transfer shall be made using an intrastate transfer voucher and 60081  
shall be subject to the approval of the Director of Budget and 60082  
Management. 60083

SOIL AND WATER DISTRICTS 60084

In addition to state payments to soil and water conservation 60085  
districts authorized by section 1515.10 of the Revised Code, the 60086  
Department of Natural Resources may pay to any soil and water 60087  
conservation district, from authority in appropriation item 60088  
725-502, Soil and Water Districts, an annual amount not to exceed 60089  
\$30,000, upon receipt of a request and justification from the 60090  
district and approval by the Ohio Soil and Water Conservation 60091  
Commission. The county auditor shall credit the payments to the 60092  
special fund established under section 1515.10 of the Revised Code 60093  
for the local soil and water conservation district. Moneys 60094  
received by each district shall be expended for the purposes of 60095  
the district. The foregoing appropriation item 725-683, Soil and 60096  
Water Districts, shall be expended for the purposes described 60097  
above, except that the funding source for this appropriation shall 60098  
be a fee applied on the disposal of construction and demolition 60099  
debris as provided in section 1515.14 of the Revised Code, as 60100  
amended by this act. 60101

Of the foregoing appropriation item 725-683, Soil and Water 60102  
Districts, \$220,000 in each fiscal year shall be used to support 60103  
the Heidelberg College Water Quality Laboratory. 60104

Of the foregoing appropriation item 725-683, Soil and Water 60105  
Districts, \$125,000 in each fiscal year shall be used for the 60106  
Indian Lake Watershed in Logan County. 60107

Of the foregoing appropriation item 725-502, Soil and Water 60108  
Districts, \$35,000 in each fiscal year shall be used for the 60109  
Conservation Action Project. 60110

STATE PARK DEPRECIATION RESERVE 60111

The foregoing appropriation item 725-680, Parks Facilities 60112  
Maintenance, shall be used by the Division of Parks and Recreation 60113  
to maintain state park revenue-producing facilities in the best 60114  
economic operating condition and to repair and replace equipment 60115  
used in the operation of state park revenue producing facilities. 60116

OIL AND GAS WELL PLUGGING 60117

The foregoing appropriation item 725-677, Oil and Gas Well 60118  
Plugging, shall be used exclusively for the purposes of plugging 60119  
wells and to properly restore the land surface of idle and orphan 60120  
oil and gas wells pursuant to section 1509.071 of the Revised 60121  
Code. No funds from the appropriation item shall be used for 60122  
salaries, maintenance, equipment, or other administrative 60123  
purposes, except for those costs directly attributed to the 60124  
plugging of an idle or orphan well. Appropriation authority from 60125  
this appropriation item shall not be transferred to any other fund 60126  
or line item. 60127

LITTER CONTROL AND RECYCLING 60128

Of the foregoing appropriation item, 725-644, Litter Control 60129  
and Recycling, not more than \$1,500,000 may be used in each fiscal 60130  
year for the administration of the Recycling and Litter Prevention 60131  
program. 60132

CLEAN OHIO OPERATING EXPENSES 60133

The foregoing appropriation item 725-405, Clean Ohio 60134  
Operating, shall be used by the Department of Natural Resources in 60135  
administering section 1519.05 of the Revised Code. 60136

WATERWAYS IMPROVEMENTS 60137

Of the foregoing appropriation item 725-414, Waterways 60138  
Improvement, \$50,000 in each fiscal year shall be used for 60139  
dredging operations at Fairport Harbor. 60140

WATERCRAFT MARINE PATROL 60141

Of the foregoing appropriation item 739-401, Division of 60142  
Watercraft, not more than \$200,000 in each fiscal year shall be 60143  
expended for the purchase of equipment for marine patrols 60144  
qualifying for funding from the Department of Natural Resources 60145  
pursuant to section 1547.67 of the Revised Code. Proposals for 60146  
equipment shall accompany the submission of documentation for 60147  
receipt of a marine patrol subsidy pursuant to section 1547.67 of 60148  
the Revised Code and shall be loaned to eligible marine patrols 60149  
pursuant to a cooperative agreement between the Department of 60150  
Natural Resources and the eligible marine patrol. 60151

WATERCRAFT REVOLVING LOAN PROGRAM 60152

Upon certification by the Director of Natural Resources, the 60153  
Director of Budget and Management shall transfer an amount not to 60154  
exceed \$1,000,000 in fiscal year 2008 and not to exceed \$1,000,000 60155  
in fiscal year 2009 so certified from the Waterways Safety Fund 60156  
(Fund 086) to the Watercraft Revolving Loans Fund (Fund 5AW). The 60157  
moneys shall be used pursuant to sections 1547.721 to 1547.726 of 60158  
the Revised Code. 60159

PARKS CAPITAL EXPENSES FUND 60160

The Director of Natural Resources shall submit to the 60161  
Director of Budget and Management the estimated design, 60162  
engineering, and planning costs of capital-related work to be done 60163  
by Department of Natural Resources staff for parks projects. If 60164  
the Director of Budget and Management approves the estimated 60165  
costs, the Director may release appropriations from appropriation 60166  
item 725-406, Parks Projects Personnel, for those purposes. Upon 60167  
release of the appropriations, the Department of Natural Resources 60168  
shall pay for these expenses from the Parks Capital Expenses Fund 60169  
(Fund 227). Expenses paid from Fund 227 shall be reimbursed by the 60170  
Parks and Recreation Improvement Fund (Fund 035) using an 60171  
intrastate transfer voucher. 60172

CAPITAL EXPENSES FUND 60173

The Department of Natural Resources shall periodically 60174  
prepare and submit to the Director of Budget and Management the 60175  
estimated design, planning, and engineering costs of 60176  
capital-related work to be done by the Department of Natural 60177  
Resources for each project. Based on the estimates, the Director 60178  
of Budget and Management may release appropriations from 60179  
appropriation item CAP-753, Project Planning, within the Ohio 60180  
Parks and Natural Resources Fund (Fund 031) to pay for design, 60181  
planning, and engineering costs incurred by the Department of 60182  
Natural Resources for the projects. Upon release of the 60183  
appropriations by the Director of Budget and Management, the 60184  
Department of Natural Resources shall pay for these expenses from 60185  
the Capital Expenses Fund (Fund 4S9), and shall be reimbursed by 60186  
the Ohio Parks and Natural Resources Fund (Fund 031) using an 60187  
intrastate voucher. 60188

FUND CONSOLIDATION 60189

On July 1, 2007, or as soon thereafter as possible, the 60190  
Director of Budget and Management shall transfer the cash balance 60191  
as certified by the Director of Natural Resources from the Federal 60192  
Forestry Fund (Fund 328) to the State Forest Fund (Fund 509). The 60193  
Director shall cancel any remaining outstanding encumbrances 60194  
against appropriation item 725-603, Forestry-Federal, and 60195  
re-establish them against appropriation item 725-602, State 60196  
Forest. The amounts of any encumbrances canceled and 60197  
re-established are hereby appropriated. 60198

On July 1, 2007, or as soon thereafter as possible, the 60199  
Director of Budget and Management shall transfer the cash balance 60200  
as certified by the Director of Natural Resources from the REALM 60201  
Support Services Fund (Fund 206) to the Fountain Square Facilities 60202  
Management Fund (Fund 635). The Director shall cancel any 60203  
remaining outstanding encumbrances against appropriation item 60204

725-689, REALM Support Services, and re-establish them against 60205  
 appropriation item 725-664, Fountain Square Facilities Management. 60206  
 The amounts of any encumbrances canceled and re-established are 60207  
 hereby appropriated. 60208

STATE PARK OPERATING 60209

All proceeds from insurance companies and any other sources 60210  
 for the replacement and construction of the Lake Hope Lodge and 60211  
 its appurtenances shall be deposited into the State Park Operating 60212  
 Fund (Fund 512). 60213

**Section 345.10.** NUR STATE BOARD OF NURSING 60214

General Services Fund Group 60215

4K9 884-609 Operating Expenses	\$	5,661,280	\$	5,661,280	60216
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5P8 884-601 Nursing Special Issues	\$	5,000	\$	5,000	60217
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5AC 884-602 Nurse Education Grant	\$	1,450,000	\$	1,450,000	60218
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Program

TOTAL GSF General Services 60219

Fund Group	\$	7,116,280	\$	7,116,280	60220
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TOTAL ALL BUDGET FUND GROUPS	\$	7,116,280	\$	7,116,280	60221
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NURSING SPECIAL ISSUES 60222

The foregoing appropriation item 884-601, Nursing Special 60223  
 Issues (Fund 5P8), shall be used to pay the costs the Board of 60224  
 Nursing incurs in implementing section 4723.062 of the Revised 60225  
 Code. 60226

**Section 347.10.** PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 60227  
 AND ATHLETIC TRAINERS BOARD 60228

General Services Fund Group 60229

4K9 890-609 Operating Expenses	\$	892,241	\$	963,984	60230
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TOTAL GSF General Services Fund	\$	892,241	\$	963,984	60231
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	892,241	\$	963,984	60232
<b>Section 349.10.</b> OLA OHIOANA LIBRARY ASSOCIATION					60234
General Revenue Fund					60235
GRF 355-501 Library Subsidy	\$	200,000	\$	200,000	60236
TOTAL GRF General Revenue Fund	\$	200,000	\$	200,000	60237
TOTAL ALL BUDGET FUND GROUPS	\$	200,000	\$	200,000	60238
<b>Section 351.10.</b> ODB OHIO OPTICAL DISPENSERS BOARD					60240
General Services Fund Group					60241
4K9 894-609 Operating Expenses	\$	333,656	\$	345,324	60242
TOTAL GSF General Services					60243
Fund Group	\$	333,656	\$	345,324	60244
TOTAL ALL BUDGET FUND GROUPS	\$	333,656	\$	345,324	60245
<b>Section 353.10.</b> OPT STATE BOARD OF OPTOMETRY					60247
General Services Fund Group					60248
4K9 885-609 Operating Expenses	\$	344,571	\$	351,071	60249
TOTAL GSF General Services					60250
Fund Group	\$	344,571	\$	351,071	60251
TOTAL ALL BUDGET FUND GROUPS	\$	344,571	\$	351,071	60252
<b>Section 355.10.</b> OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS					60254
					60255
General Services Fund Group					60256
4K9 973-609 Operating Expenses	\$	111,300	\$	116,260	60257
TOTAL GSF General Services					60258
Fund Group	\$	111,300	\$	116,260	60259
TOTAL ALL BUDGET FUND GROUPS	\$	111,300	\$	116,260	60260
<b>Section 357.10.</b> PBR STATE PERSONNEL BOARD OF REVIEW					60261
General Revenue Fund					60262

GRF 124-321 Operating	\$	1,137,181	\$	1,179,825	60263
TOTAL GRF General Revenue Fund	\$	1,137,181	\$	1,179,825	60264
General Services Fund Group					60265
636 124-601 Records and Reporting	\$	15,000	\$	15,000	60266
Support					
TOTAL GSF General Services					60267
Fund Group	\$	15,000	\$	15,000	60268
TOTAL ALL BUDGET FUND GROUPS	\$	1,152,181	\$	1,194,825	60269

**Section 359.10. UST PETROLEUM UNDERGROUND STORAGE TANK** 60271

Agency Fund Group					60272
691 810-632 PUSTRCB Staff	\$	1,116,658	\$	1,169,181	60273
TOTAL AGY Agency Fund Group	\$	1,116,658	\$	1,169,181	60274
TOTAL ALL BUDGET FUND GROUPS	\$	1,116,658	\$	1,169,181	60275

**Section 361.10. PRX STATE BOARD OF PHARMACY** 60277

General Services Fund Group					60278
4A5 887-605 Drug Law Enforcement	\$	75,550	\$	75,550	60279
4K9 887-609 Operating Expenses	\$	4,874,572	\$	5,251,032	60280
TOTAL GSF General Services Fund	\$	4,950,122	\$	5,326,582	60281
Group					
Federal Special Revenue Fund Group					60282
3BC 887-604 Dangerous Drugs	\$	558,531	\$	491,405	60283
Database					
TOTAL FED Federal Special Revenue	\$	558,531	\$	491,405	60284
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	5,508,653	\$	5,817,987	60285

**Section 363.10. PSY STATE BOARD OF PSYCHOLOGY** 60287

General Services Fund Group					60288
4K9 882-609 Operating Expenses	\$	586,565	\$	586,565	60289
TOTAL GSF General Services					60290

Fund Group	\$	586,565	\$	586,565	60291
TOTAL ALL BUDGET FUND GROUPS	\$	586,565	\$	586,565	60292
<b>Section 365.10.</b> PUB OHIO PUBLIC DEFENDER COMMISSION					60294
General Revenue Fund					60295
GRF 019-321 Public Defender	\$	1,287,404	\$	1,315,150	60296
Administration					
GRF 019-401 State Legal Defense	\$	5,914,023	\$	6,120,592	60297
Services					
GRF 019-403 Multi-County: State	\$	766,402	\$	762,727	60298
Share					
GRF 019-404 Trumbull County -	\$	244,816	\$	243,650	60299
State Share					
GRF 019-405 Training Account	\$	31,324	\$	31,324	60300
GRF 019-501 County Reimbursement	\$	29,834,251	\$	29,572,857	60301
TOTAL GRF General Revenue Fund	\$	38,078,220	\$	38,046,300	60302
General Services Fund Group					60303
101 019-602 Inmate Legal	\$	33,338	\$	34,638	60304
Assistance					
407 019-604 County Representation	\$	219,800	\$	227,500	60305
408 019-605 Client Payments	\$	611,537	\$	476,760	60306
5CX 019-617 Civil Case Filing Fee	\$	409,237	\$	598,400	60307
TOTAL GSF General Services					60308
Fund Group	\$	1,273,912	\$	1,337,298	60309
Federal Special Revenue Fund Group					60310
3S8 019-608 Federal Representation	\$	350,948	\$	364,917	60311
TOTAL FED Federal Special Revenue					60312
Fund Group	\$	350,948	\$	364,917	60313
State Special Revenue Fund Group					60314
4C7 019-601 Multi-County: County	\$	2,181,300	\$	2,288,200	60315
Share					
4X7 019-610 Trumbull County -	\$	696,800	\$	731,000	60316

County Share				
574 019-606 Civil Legal Aid	\$	40,000,000	\$ 40,000,000	60317
TOTAL SSR State Special Revenue				60318
Fund Group	\$	42,878,100	\$ 43,019,200	60319
TOTAL ALL BUDGET FUND GROUPS	\$	82,581,180	\$ 82,767,715	60320
INDIGENT DEFENSE OFFICE				60321
The foregoing appropriation items 019-404, Trumbull County -				60322
State Share, and 019-610, Trumbull County - County Share, shall be				60323
used to support an indigent defense office for Trumbull County.				60324
MULTI-COUNTY OFFICE				60325
The foregoing appropriation items 019-403, Multi-County:				60326
State Share, and 019-601, Multi-County: County Share, shall be				60327
used to support the Office of the Ohio Public Defender's				60328
Multi-County Branch Office Program.				60329
TRAINING ACCOUNT				60330
The foregoing appropriation item 019-405, Training Account,				60331
shall be used by the Ohio Public Defender to provide legal				60332
training programs at no cost for private appointed counsel who				60333
represent at least one indigent defendant at no cost and for state				60334
and county public defenders and attorneys who contract with the				60335
Ohio Public Defender to provide indigent defense services.				60336
FEDERAL REPRESENTATION				60337
The foregoing appropriation item 019-608, Federal				60338
Representation, shall be used to receive reimbursements from the				60339
federal courts when the Ohio Public Defender provides				60340
representation in federal court cases and to support				60341
representation in such cases.				60342
<b>Section 367.10.</b> DHS DEPARTMENT OF PUBLIC SAFETY				60343
General Revenue Fund				60344

GRF 763-403	Operating Expenses -	\$	4,164,697	\$	4,164,697	60345
	EMA					
GRF 768-424	Operating Expenses -	\$	814,478	\$	814,478	60346
	CJS					
GRF 769-321	Food Stamp Trafficking	\$	752,000	\$	752,000	60347
	Enforcement Operations					
TOTAL GRF General Revenue Fund		\$	5,731,175	\$	5,731,175	60348
State Special Revenue Fund Group						60349
5EX 768-690	Disaster Preparedness	\$	350,000	\$	350,000	60350
TOTAL SSR State Special Revenue		\$	350,000	\$	350,000	60351
Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	6,081,175	\$	6,081,175	60352
	OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT					60353
	Of the foregoing appropriation item 763-403, Operating					60354
	Expenses - EMA, \$200,000 in each fiscal year shall be used to fund					60355
	the Ohio Task Force One - Urban Search and Rescue Unit and other					60356
	urban search and rescue programs around the state to create a					60357
	stronger search and rescue capability statewide.					60358
	EMA DISASTER PREPAREDNESS AND RESPONSE GRANT					60359
	Of the foregoing appropriation item 768-690, Disaster					60360
	Preparedness, \$275,000 in fiscal year 2008 and \$350,000 in fiscal					60361
	year 2009 shall be used for a grant to the American Red Cross					60362
	Greater Columbus Chapter for implementation of programs to assist					60363
	in disaster preparedness and response throughout Ohio. The					60364
	American Red Cross Greater Columbus Chapter shall develop a					60365
	funding plan that includes programmatic, infrastructure, and					60366
	administrative costs. Moneys shall be released to the American Red					60367
	Cross Greater Columbus Chapter not more than 45 days after					60368
	submission of the plan to the Ohio Emergency Management Agency. Of					60369
	the foregoing appropriation item 768-690, Disaster Preparedness,					60370
	\$75,000 in fiscal year 2008 shall be used for the Fire and					60371
	Emergency Services Regionalization Project of Berea and Olmstead					60372

Falls.					60373
<b>Section 369.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO</b>					60374
General Services Fund Group					60375
5F6 870-622 Utility and Railroad	\$	32,820,027	\$	33,804,627	60376
Regulation					
5F6 870-624 NARUC/NRRI Subsidy	\$	158,000	\$	158,000	60377
5F6 870-625 Motor Transportation	\$	4,635,413	\$	4,772,765	60378
Regulation					
TOTAL GSF General Services					60379
Fund Group	\$	37,613,440	\$	38,735,392	60380
Federal Special Revenue Fund Group					60381
3V3 870-604 Commercial Vehicle	\$	300,000	\$	300,000	60382
Information					
Systems/Networks					
333 870-601 Gas Pipeline Safety	\$	597,957	\$	597,959	60383
350 870-608 Motor Carrier Safety	\$	7,137,534	\$	7,351,660	60384
TOTAL FED Federal Special Revenue					60385
Fund Group	\$	8,035,491	\$	8,249,619	60386
State Special Revenue Fund Group					60387
4A3 870-614 Grade Crossing	\$	1,349,757	\$	1,349,757	60388
Protection					
Devices-State					
4L8 870-617 Pipeline Safety-State	\$	187,621	\$	187,621	60389
4S6 870-618 Hazardous Material	\$	464,325	\$	464,325	60390
Registration					
4S6 870-621 Hazardous Materials	\$	373,346	\$	373,346	60391
Base State					
Registration					
4U8 870-620 Civil Forfeitures	\$	284,986	\$	284,986	60392
5BP 870-623 Wireless 9-1-1	\$	26,875,000	\$	13,375,000	60393
Administration					

559	870-605	Public Utilities	\$	4,000	\$	4,000	60394
		Territorial					
		Administration					
560	870-607	Public Utilities	\$	100,000	\$	100,000	60395
		Investigations					
561	870-606	Power Siting Board	\$	404,651	\$	404,652	60396
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	60397
661	870-612	Hazardous Materials	\$	900,000	\$	900,000	60398
		Transportation					
TOTAL SSR State Special Revenue							60399
Fund Group			\$	30,983,686	\$	17,483,687	60400
Agency Fund Group							60401
4G4	870-616	Base State	\$	2,000,000	\$	0	60402
		Registration Program					
TOTAL AGY Agency Fund Group			\$	2,000,000	\$	0	60403
TOTAL ALL BUDGET FUND GROUPS			\$	78,632,617	\$	64,468,698	60404
COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT							60405
The fund created by section 4923.26 of the Revised Code is							60406
the same fund, with a new name, as the Commercial Vehicle							60407
Information Systems and Networks Fund (Fund 3V3).							60408
ENHANCED AND WIRELESS ENHANCED 9-1-1							60409
The foregoing appropriation item 870-623, Wireless 9-1-1							60410
Administration, shall be used pursuant to section 4931.63 of the							60411
Revised Code.							60412
<b>Section 371.10. PWC PUBLIC WORKS COMMISSION</b>							60413
General Revenue Fund							60414
GRF	150-904	Conservation General	\$	14,698,728	\$	19,037,480	60415
		Obligation Debt					
		Service					
GRF	150-907	State Capital	\$	175,738,464	\$	181,620,189	60416

Improvements					
General Obligation				60417	
Debt Service					
TOTAL GRF General Revenue Fund	\$	190,437,192	\$	200,657,669	60418
Clean Ohio Fund Group					60419
056 150-403 Clean Ohio Operating	\$	301,537	\$	311,509	60420
Expenses					
TOTAL 056 Clean Ohio Fund Group	\$	301,537	\$	311,509	60421
TOTAL ALL BUDGET FUND GROUPS	\$	190,738,729	\$	200,969,178	60422
CONSERVATION GENERAL OBLIGATION DEBT SERVICE					60423
The foregoing appropriation item 150-904, Conservation					60424
General Obligation Debt Service, shall be used to pay all debt					60425
service and related financing costs during the period from July 1,					60426
2007, through June 30, 2009, at the times they are required to be					60427
made for obligations issued under sections 151.01 and 151.09 of					60428
the Revised Code.					60429
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE					60430
The foregoing appropriation item 150-907, State Capital					60431
Improvements General Obligation Debt Service, shall be used to pay					60432
all debt service and related financing costs during the period					60433
from July 1, 2007, to June 30, 2009, at the times they are					60434
required to be made for obligations issued under sections 151.01					60435
and 151.08 of the Revised Code.					60436
REIMBURSEMENT TO THE GENERAL REVENUE FUND					60437
(A) On or before July 15, 2009, the Director of the Public					60438
Works Commission shall certify to the Director of Budget and					60439
Management the following:					60440
(1) The total amount disbursed from appropriation item					60441
700-409, Farmland Preservation, during the fiscal year 2008-2009					60442
biennium; and					60443

(2) The amount of interest earnings that have been credited 60444  
 to the Clean Ohio Conservation Fund (Fund 056) that are in excess 60445  
 of the amount needed for other purposes as calculated by the 60446  
 Director of the Public Works Commission. 60447

(B) If the Director of Budget and Management determines under 60448  
 division (A)(2) of this section that there are excess interest 60449  
 earnings, the Director of Budget and Management shall, on or 60450  
 before July 15, 2009, transfer the excess interest earnings to the 60451  
 General Revenue Fund in an amount equal to the total amount 60452  
 disbursed under division (A)(1) of this section from the Clean 60453  
 Ohio Conservation Fund. 60454

CLEAN OHIO OPERATING EXPENSES 60455

The foregoing appropriation item 150-403, Clean Ohio 60456  
 Operating Expenses, shall be used by the Ohio Public Works 60457  
 Commission in administering sections 164.20 to 164.27 of the 60458  
 Revised Code. 60459

**Section 373.10.** RAC STATE RACING COMMISSION 60460

State Special Revenue Fund Group 60461

5C4 875-607 Simulcast Horse Racing \$ 16,000,000 \$ 16,000,000 60462  
 Purse

562 875-601 Thoroughbred Race Fund \$ 3,100,000 \$ 3,100,000 60463

563 875-602 Standardbred \$ 2,600,000 \$ 2,600,000 60464  
 Development Fund

564 875-603 Quarterhorse \$ 1,000 \$ 1,000 60465  
 Development Fund

565 875-604 Racing Commission \$ 4,487,599 \$ 4,487,599 60466  
 Operating

TOTAL SSR State Special Revenue 60467

Fund Group \$ 26,188,599 \$ 26,188,599 60468

Holding Account Redistribution Fund Group 60469

R21 875-605 Bond Reimbursements	\$	212,900	\$	212,900	60470
TOTAL 090 Holding Account					60471
Redistribution					
Fund Group	\$	212,900	\$	212,900	60472
TOTAL ALL BUDGET FUND GROUPS	\$	26,401,499	\$	26,401,499	60473
 <b>Section 375.10. BOR BOARD OF REGENTS</b>					60475
General Revenue Fund					60476
GRF 235-321 Operating Expenses	\$	3,141,351	\$	3,141,351	60477
GRF 235-401 Lease Rental Payments	\$	203,177,900	\$	136,017,500	60478
GRF 235-402 Sea Grants	\$	300,000	\$	300,000	60479
GRF 235-406 Articulation and Transfer	\$	2,900,000	\$	2,900,000	60480
GRF 235-408 Midwest Higher Education Compact	\$	95,000	\$	95,000	60481
GRF 235-409 Information System	\$	1,175,172	\$	1,175,172	60482
GRF 235-414 State Grants and Scholarship Administration	\$	1,707,881	\$	1,707,881	60483
GRF 235-415 Jobs Challenge	\$	9,348,300	\$	9,348,300	60484
GRF 235-417 Ohio Learning Network	\$	3,119,496	\$	3,119,496	60485
GRF 235-418 Access Challenge	\$	66,585,769	\$	66,585,769	60486
GRF 235-420 Success Challenge	\$	53,653,973	\$	53,653,973	60487
GRF 235-428 Appalachian New Economy Partnership	\$	1,176,068	\$	1,176,068	60488
GRF 235-433 Economic Growth Challenge	\$	17,186,194	\$	17,186,194	60489
GRF 235-434 College Readiness and Access	\$	12,655,425	\$	12,655,425	60490
GRF 235-435 Teacher Improvement Initiatives	\$	4,797,506	\$	11,297,506	60491
GRF 235-436 AccelerateOhio	\$	2,500,000	\$	5,000,000	60492
GRF 235-437 STEM Initiatives	\$	10,000,000	\$	10,000,000	60493

GRF 235-451	Eminent Scholars	\$	0	\$	1,000,000	60494
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941	60495
GRF 235-474	Area Health Education Centers Program Support	\$	1,571,756	\$	1,571,756	60496
GRF 235-501	State Share of Instruction	\$	1,620,877,952	\$	1,782,965,747	60497
GRF 235-502	Student Support Services	\$	795,790	\$	795,790	60498
GRF 235-503	Ohio Instructional Grants	\$	42,533,966	\$	18,315,568	60499
GRF 235-504	War Orphans Scholarships	\$	4,812,321	\$	4,812,321	60500
GRF 235-507	OhioLINK	\$	7,387,824	\$	7,387,824	60501
GRF 235-508	Air Force Institute of Technology	\$	1,925,345	\$	1,925,345	60502
GRF 235-510	Ohio Supercomputer Center	\$	4,271,195	\$	4,271,195	60503
GRF 235-511	Cooperative Extension Service	\$	26,157,760	\$	26,157,760	60504
GRF 235-513	Ohio University Voinovich Center	\$	336,082	\$	336,082	60505
GRF 235-514	Central State Supplement	\$	11,413,995	\$	11,413,995	60506
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,011,271	\$	3,011,271	60507
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$	125,000	60508
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470	60509
GRF 235-520	Shawnee State Supplement	\$	2,056,986	\$	2,056,986	60510
GRF 235-521	The Ohio State	\$	286,082	\$	286,082	60511

	University Glenn Institute				
GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959 60512
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110 60513
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688 60514
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957 60515
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000 60516
GRF 235-531	Student Choice Grants	\$	38,485,376	\$	38,485,376 60517
GRF 235-535	Ohio Agricultural Research and Development Center	\$	36,674,292	\$	36,674,292 60518
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885 60519
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756 60520
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866 60521
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107 60522
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540 60523
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945 60524
GRF 235-547	School of International Business	\$	450,000	\$	450,000 60525

GRF 235-552	Capital Component	\$	19,306,442	\$	19,306,442	60526
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,806,599	\$	2,806,599	60527
GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548	60528
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	60529
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223	60530
GRF 235-558	Long-term Care Research	\$	311,047	\$	311,047	60531
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	100,015	\$	100,015	60532
GRF 235-563	Ohio College Opportunity Grant	\$	139,974,954	\$	151,113,781	60533
GRF 235-567	Central State University Speed to Scale	\$	4,400,000	\$	3,800,000	60534
GRF 235-569	Choose Ohio First Scholarship	\$	50,000,000	\$	50,000,000	60535
GRF 235-572	The Ohio State University Clinic Support	\$	1,277,019	\$	1,277,019	60536
GRF 235-583	Urban University Program	\$	5,142,937	\$	5,142,937	60537
GRF 235-587	Rural University Projects	\$	1,047,889	\$	1,047,889	60538
GRF 235-596	Hazardous Materials Program	\$	360,435	\$	360,435	60539
GRF 235-599	National Guard Scholarship Program	\$	16,611,063	\$	16,611,063	60540
GRF 235-909	Higher Education	\$	163,222,668	\$	198,309,840	60541

General Obligation			
Debt Service			
TOTAL GRF General Revenue Fund	\$ 2,673,619,549	\$ 2,799,954,545	60542
General Services Fund Group			60543
220 235-614 Program Approval and	\$ 800,000	\$ 800,000	60544
Reauthorization			
456 235-603 Sales and Services	\$ 700,000	\$ 700,000	60545
TOTAL GSF General Services			60546
Fund Group	\$ 1,500,000	\$ 1,500,000	60547
Federal Special Revenue Fund Group			60548
3BG 235-626 Star Schools	\$ 2,980,865	\$ 2,990,746	60549
3H2 235-608 Human Services Project	\$ 3,000,000	\$ 3,000,000	60550
3H2 235-622 Medical Collaboration	\$ 3,346,144	\$ 3,346,144	60551
Network			
3N6 235-605 State Student	\$ 2,196,680	\$ 2,196,680	60552
Incentive Grants			
3T0 235-610 National Health	\$ 250,000	\$ 250,000	60553
Service Corps - Ohio			
Loan Repayment			
312 235-609 Tech Prep	\$ 183,850	\$ 183,850	60554
312 235-611 Gear-up Grant	\$ 3,300,000	\$ 3,300,000	60555
312 235-612 Carl D. Perkins	\$ 112,960	\$ 112,960	60556
Grant/Plan			
Administration			
312 235-617 Improving Teacher	\$ 3,200,000	\$ 3,200,000	60557
Quality Grant			
312 235-621 Science Education	\$ 1,686,970	\$ 1,686,970	60558
Network			
TOTAL FED Federal Special Revenue			60559
Fund Group	\$ 20,257,469	\$ 20,267,350	60560
State Special Revenue Fund Group			60561
4E8 235-602 Higher Educational	\$ 50,000	\$ 45,000	60562

		Facility Commission				
		Administration				
4P4	235-604	Physician Loan	\$	476,870	\$	476,870 60563
		Repayment				
649	235-607	The Ohio State	\$	760,000	\$	760,000 60564
		University				
		Highway/Transportation				
		Research				
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000 60565
5DT	235-627	American Diploma	\$	250,000	\$	0 60566
		Project				
TOTAL SSR		State Special Revenue				60567
Fund Group			\$	2,429,870	\$	2,174,870 60568
TOTAL ALL BUDGET FUND GROUPS			\$	2,697,806,888	\$	2,823,896,765 60569

**Section 375.10.10. OPERATING EXPENSES** 60571

Of the foregoing appropriation item 235-321, Operating 60572  
 Expenses, up to \$150,000 in each fiscal year shall be used in 60573  
 conjunction with funding provided in the Department of Education 60574  
 budget under appropriation item 200-427, Academic Standards, to 60575  
 fund the operations of Ohio's Partnership for Continued Learning. 60576  
 The Partnership shall advise and make recommendations to promote 60577  
 collaboration among relevant state entities in an effort to help 60578  
 local communities develop coherent and successful "P-16" learning 60579  
 systems. Upon requesting and receiving approval from the 60580  
 Controlling Board, the Director of Budget and Management may 60581  
 transfer any unencumbered fiscal year 2008 balance to fiscal year 60582  
 2009 to support the activities of the Partnership. 60583

**Section 375.10.20. LEASE RENTAL PAYMENTS** 60584

The foregoing appropriation item 235-401, Lease Rental 60585  
 Payments, shall be used to meet all payments at the times they are 60586  
 required to be made during the period from July 1, 2007, to June 60587

30, 2009, by the Board of Regents under leases and agreements made 60588  
under section 154.21 of the Revised Code. These appropriations are 60589  
the source of funds pledged for bond service charges or 60590  
obligations issued pursuant to Chapter 154. of the Revised Code. 60591

**Section 375.10.30. SEA GRANTS** 60592

The foregoing appropriation item 235-402, Sea Grants, shall 60593  
be disbursed to the Ohio State University and shall be used to 60594  
conduct research on fish in Lake Erie. 60595

**Section 375.10.40. ARTICULATION AND TRANSFER** 60596

The foregoing appropriation item 235-406, Articulation and 60597  
Transfer, shall be used by the Board of Regents to maintain and 60598  
expand the work of the Articulation and Transfer Council to 60599  
develop a system of transfer policies to ensure that students at 60600  
state institutions of higher education can transfer and have 60601  
coursework apply to their majors and degrees at any other state 60602  
institution of higher education without unnecessary duplication or 60603  
institutional barriers under sections 3333.16, 3333.161, and 60604  
3333.162 of the Revised Code. The Board of Regents shall, in 60605  
consultation with the Governor and the Department of Education, 60606  
convene a work group to establish coursework for content knowledge 60607  
and teacher competencies for early care and education degrees to 60608  
support articulation and transfer of coursework, certifications, 60609  
and credit earned across state-supported institutions of higher 60610  
education. 60611

Of the foregoing appropriation item 235-406, Articulation and 60612  
Transfer, \$200,000 in each fiscal year shall be used to support 60613  
the work of the Articulation and Transfer Council under division 60614  
(B) of section 3333.162 of the Revised Code. 60615

**Section 375.10.50. MIDWEST HIGHER EDUCATION COMPACT** 60616

The foregoing appropriation item 235-408, Midwest Higher Education Compact, shall be distributed by the Board of Regents under section 3333.40 of the Revised Code. 60617  
60618  
60619

**Section 375.10.60. INFORMATION SYSTEM** 60620

The foregoing appropriation item 235-409, Information System, shall be used by the Board of Regents to operate the higher education information data system known as the Higher Education Information System. 60621  
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60623  
60624

**Section 375.10.70. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION** 60625  
60626

The foregoing appropriation item 235-414, State Grants and Scholarship Administration, shall be used by the Board of Regents to administer the following student financial aid programs: Ohio Instructional Grant, Ohio College Opportunity Grant, Ohio Student Choice Grant, Ohio Academic Scholarship, Ohio War Orphans' Scholarship, Nurse Education Assistance Loan Program, Regents Graduate/Professional Fellowship, Ohio Safety Officers College Memorial Fund, Capitol Scholarship Program, and any other student financial aid programs created by the General Assembly. The appropriation item also shall be used to administer the federal Leveraging Educational Assistance Partnership (LEAP) and Special Leveraging Educational Assistance Partnership (SLEAP) programs and other student financial aid programs created by Congress and to provide fiscal services for the Ohio National Guard Scholarship Program, the Physician Loan Repayment Program, and the Dentist Loan Repayment Program. 60627  
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**Section 375.10.80. JOBS CHALLENGE** 60643

Funds appropriated to the foregoing appropriation item 235-415, Jobs Challenge, shall be distributed to state-assisted 60644  
60645

community and technical colleges, regional campuses of 60646  
state-assisted universities, and other organizationally distinct 60647  
and identifiable member campuses of the EnterpriseOhio Network in 60648  
support of noncredit job-related training. In fiscal year 2008, 60649  
\$2,770,773 shall be distributed as performance grants to 60650  
EnterpriseOhio Network campuses based upon each campus's 60651  
documented performance according to criteria established by the 60652  
Board of Regents for assessment, training, and related services to 60653  
businesses, industries, and public sector organizations. 60654

Of the foregoing appropriation item 235-415, Jobs Challenge, 60655  
\$2,819,345 in fiscal year 2008 shall be allocated to the Targeted 60656  
Industries Training Grant Program to attract, develop, and retain 60657  
business and industry strategically important to the state's 60658  
economy and regional priorities. 60659

Of the foregoing appropriation item 235-415, Jobs Challenge, 60660  
\$3,758,182 in fiscal year 2008 shall be allocated to the Higher 60661  
Skills Incentives Program to promote and deliver coordinated 60662  
assessment and comprehensive training to local employers and to 60663  
reward EnterpriseOhio Network campuses for the amount of 60664  
non-credit skill upgrading services provided to Ohio employers and 60665  
employees. The funds shall be distributed to campuses in 60666  
proportion to each campus's share of noncredit job-related 60667  
training revenues received by all campuses for the previous fiscal 60668  
year. 60669

**Section 375.10.90. OHIO LEARNING NETWORK** 60670

The foregoing appropriation item 235-417, Ohio Learning 60671  
Network, shall be used by the Board of Regents to support the 60672  
continued implementation of the Ohio Learning Network, a statewide 60673  
collaborative that delivers adult education including degree 60674  
completion, workforce training, and professional development using 60675  
online and distance education initiatives. The funds shall be used 60676

by the Ohio Learning Network to develop and promote learning and 60677  
assessment through the use of technology, to test and provide 60678  
advice on emerging learning-directed technologies, and to 60679  
facilitate cost-effectiveness through shared educational 60680  
technology investments. 60681

**Section 375.20.10. ACCESS CHALLENGE** 60682

The foregoing appropriation item 235-418, Access Challenge, 60683  
shall be distributed to Ohio's state-assisted access colleges and 60684  
universities. For the purposes of this allocation, "access 60685  
campuses" includes state-assisted community colleges, state 60686  
community colleges, technical colleges, Shawnee State University, 60687  
Central State University, Cleveland State University, the regional 60688  
campuses of state-assisted universities, and, where they are 60689  
organizationally distinct and identifiable, the 60690  
community-technical colleges located at the University of 60691  
Cincinnati, Youngstown State University, and the University of 60692  
Akron. 60693

The purpose of Access Challenge is to reduce the student 60694  
share of costs for resident undergraduates enrolled in lower 60695  
division undergraduate courses at Ohio's access campuses. The 60696  
long-term goal is to make the student share of costs for these 60697  
students equivalent to the student share of costs for resident 60698  
undergraduate students enrolled throughout Ohio's public colleges 60699  
and universities. Access Challenge appropriations shall be used to 60700  
sustain, as much as possible, the tuition restraint or tuition 60701  
reduction that was achieved with Access Challenge allocations in 60702  
prior years. Access campuses shall disclose, in their tuition 60703  
billing statements to students, the amount of tuition subsidized 60704  
by state Access Challenge subsidies. 60705

In fiscal year 2008, Access Challenge subsidies shall be 60706  
distributed by the Board of Regents to eligible access campuses on 60707

the basis of the average of each campus's share of fiscal year 2005 and 2006 all-terms subsidy-eligible General Studies FTEs.

For purposes of this calculation, Cleveland State University's enrollments shall be adjusted by the ratio of the sum of subsidy-eligible lower-division FTE student enrollments eligible for access funding to the sum of subsidy-eligible General Studies FTE student enrollments at Central State University and Shawnee State University, and for the following universities and their regional campuses: the Ohio State University, Ohio University, Kent State University, Bowling Green State University, Miami University, the University of Cincinnati, the University of Akron, and Wright State University.

**Section 375.20.20. SUCCESS CHALLENGE**

The foregoing appropriation item 235-420, Success Challenge, shall be used by the Board of Regents to promote degree completion by students enrolled at a main campus of a state-assisted university.

Of the foregoing appropriation item 235-420, Success Challenge, 66.67 per cent of the appropriation in fiscal year 2008 shall be distributed to state-assisted university main campuses in proportion to each campus's share of the total statewide bachelor's degrees granted by university main campuses to "at-risk" students. In fiscal year 2008, an "at-risk" student means any undergraduate student who was eligible to receive an Ohio need-based financial aid award during the past ten years. An eligible institution shall not receive its share of this distribution until it has submitted a plan that addresses how the subsidy will be used to better serve at-risk students and increase their likelihood of successful completion of a bachelor's degree program. The Board of Regents shall disseminate to all state-supported institutions of higher education all such plans

submitted by institutions that received Success Challenge funds. 60739

Of the foregoing appropriation item 235-420, Success 60740  
Challenge, 33.33 per cent of the appropriation in fiscal year 2008 60741  
shall be distributed to university main campuses in proportion to 60742  
each campus's share of the total bachelor's degrees granted by 60743  
university main campuses to undergraduate students who completed 60744  
their bachelor's degrees in a "timely manner" in the previous 60745  
fiscal year. For purposes of this section, "timely manner" means 60746  
the normal time it would take for a full-time degree-seeking 60747  
undergraduate student to complete the student's degree. Generally, 60748  
for such students pursuing a bachelor's degree, "timely manner" 60749  
means four years. Exceptions to this general rule shall be 60750  
permitted for students enrolled in programs specifically designed 60751  
to be completed in a longer time period. The Board of Regents 60752  
shall collect data to assess the timely completion statistics by 60753  
university main campuses. 60754

**Section 375.20.30. APPALACHIAN NEW ECONOMY PARTNERSHIP** 60755

The foregoing appropriation item 235-428, Appalachian New 60756  
Economy Partnership, shall be distributed to Ohio University to 60757  
continue a multi-campus and multi-agency coordinated effort to 60758  
link Appalachia to the new economy. Ohio University shall use 60759  
these funds to provide leadership in the development and 60760  
implementation of initiatives in the areas of entrepreneurship, 60761  
management, education, and technology. 60762

**Section 375.20.40. ECONOMIC GROWTH CHALLENGE** 60763

The foregoing appropriation item 235-433, Economic Growth 60764  
Challenge, shall be used to enhance the basic research 60765  
capabilities of Ohio's public and private institutions of higher 60766  
education, support improved graduate programs throughout the 60767  
state, and promote the transfer of technology developed by 60768

colleges and universities to private industry to further the 60769  
economic goals of the state. 60770

Of the foregoing appropriation item 235-433, Economic Growth 60771  
Challenge, \$12,000,000 in fiscal year 2008 shall be used for the 60772  
Research Incentive Program to enhance the basic research 60773  
capabilities of public colleges and universities and accredited 60774  
Ohio institutions of higher education holding certificates of 60775  
authorization issued under section 1713.02 of the Revised Code, in 60776  
order to strengthen academic research for pursuing Ohio's economic 60777  
development goals. The Board of Regents, in consultation with the 60778  
colleges and universities, shall administer the Research Incentive 60779  
Program and utilize a means of matching, on a fractional basis, 60780  
external funds attracted in the previous year by institutions for 60781  
basic research. The program may include incentives for increasing 60782  
the amount of external research funds coming to eligible 60783  
institutions and for focusing research efforts upon critical state 60784  
needs. Colleges and universities shall submit for review and 60785  
approval to the Board of Regents plans for the institutional 60786  
allocation of state dollars received through the program. The 60787  
institutional plans shall provide the rationale for the allocation 60788  
in terms of the strategic targeting of funds for academic and 60789  
state purposes, for strengthening research programs, for 60790  
increasing the amount of external research funds, and shall 60791  
include an evaluation process to provide results of the increased 60792  
support. Institutional plans for the use of Research Incentive 60793  
funding must demonstrate a significant investment in Third 60794  
Frontier activities funded at the institution. For a college or 60795  
university with multiple Third Frontier grants, as much as ten per 60796  
cent of that institution's Research Incentive funding may be 60797  
invested in Third Frontier Project-related activities. Each 60798  
institutional plan for the investment of Research Incentive moneys 60799  
shall report on existing, planned, or possible relationships with 60800  
other state science and technology programs and funding recipients 60801

in order to further ongoing statewide science and technology 60802  
collaboration objectives. The Board of Regents shall submit a 60803  
biennial report of progress to the General Assembly. 60804

In fiscal year 2008, both those state-assisted doctoral 60805  
degree-granting universities and those accredited Ohio 60806  
institutions of higher education holding certificates of 60807  
authorization under section 1713.02 of the Revised Code may elect 60808  
to participate in the Innovation Incentive Plan designed to 60809  
enhance doctoral programs and areas of research that have the 60810  
greatest potential to attract preeminent researchers and build 60811  
research capacity; enhance regional or state economic growth by 60812  
creating new products and services to be commercialized; and 60813  
complement Ohio's Third Frontier Project. 60814

In fiscal year 2008, funding for the Innovation Incentive 60815  
Program shall be generated from those state-assisted doctoral 60816  
degree-granting universities electing to set aside a portion of 60817  
their allocations as provided in appropriation item 235-501, State 60818  
Share of Instruction, and state matching funds provided in 60819  
appropriation item 235-433, Economic Growth Challenge. In fiscal 60820  
year 2008, the Board of Regents shall withhold each participating 60821  
state-assisted university's required matching share from its 60822  
allocation as provided in appropriation item 235-501, State Share 60823  
of Instruction. Additionally, those accredited Ohio institutions 60824  
of higher education holding certificates of authorization under 60825  
section 1713.02 of the Revised Code electing to participate in the 60826  
Innovation Incentive Program shall be required to set aside an 60827  
amount comparable to the state-assisted doctoral degree-granting 60828  
universities. The criteria for the determination of this amount 60829  
shall be developed by the Board of Regents. 60830

Of the foregoing appropriation item 235-433, Economic Growth 60831  
Challenge, \$4,686,194 in fiscal year 2008 shall match funds set 60832  
aside by the participating universities under the Innovation 60833

Incentive Program. 60834

The Board of Regents shall use the combined amount of each 60835  
participating state-assisted university's set aside of the 60836  
doctoral reserve that has been withheld, the state matching funds 60837  
earmarked under appropriation item 235-433, Economic Growth 60838  
Challenge, and the amount set aside by each accredited Ohio 60839  
institution of higher education holding a certificate of 60840  
authorization under section 1713.02 of the Revised Code electing 60841  
to participate in the Innovation Incentive Program to make awards 60842  
through a competitive process under the Innovation Incentive 60843  
Program. Only universities electing to set aside the prescribed 60844  
amount shall be eligible to compete for and receive Innovation 60845  
Incentive awards. The participating universities shall use these 60846  
awards to restructure their array of doctoral programs. 60847

Of the foregoing appropriation item 235-433, Economic Growth 60848  
Challenge, \$500,000 in fiscal year 2008 shall be distributed for 60849  
the Technology Commercialization Incentive. The purpose of the 60850  
Technology Commercialization Incentive is to reward public and 60851  
private colleges and universities for successful technology 60852  
transfer to Ohio-based business and industry resulting in the 60853  
commercialization of new products, processes, and services and the 60854  
establishment of new business start-ups within the state. The 60855  
Third Frontier Commission, with counsel from the Third Frontier 60856  
Advisory Board, shall establish the eligibility criteria for 60857  
public and private colleges and universities interested in 60858  
applying for Technology Commercialization Incentive funding. To 60859  
qualify for the funds, public and private colleges and 60860  
universities must maintain a significant investment in their own 60861  
technology-transfer and commercialization operation and 60862  
capabilities, and possess a significant history of successful 60863  
research partnerships with Ohio-based business and industry. 60864

**Section 375.20.45. DISTRIBUTION OF CHALLENGE FUNDS** 60865

The Chancellor of the Board of Regents shall study the 60866  
effectiveness and appropriateness of the programs funded in GRF 60867  
appropriation items 235-415, Jobs Challenge, 235-418, Access 60868  
Challenge, 235-420, Success Challenge, and 235-433, Economic 60869  
Growth Challenge, in the context of today's knowledge-based 60870  
economy with a focus on student-based funding, the workforce 60871  
development needs of the state in the Twenty-first Century, and 60872  
incentives for student success. Based on the findings of the 60873  
study, the Chancellor of the Board of Regents shall make 60874  
recommendations for the distribution of the funds provided for 60875  
fiscal year 2009. Not later than May 1, 2008, the Chancellor of 60876  
the Board of Regents shall seek the Controlling Board's approval 60877  
of the recommended distribution of the funds provided for fiscal 60878  
year 2009 in GRF appropriation items 235-415, Jobs Challenge, 60879  
235-418, Access Challenge, 235-420, Success Challenge, and 60880  
235-433, Economic Growth Challenge. 60881

**Section 375.20.50. COLLEGE READINESS AND ACCESS** 60882

Appropriation item 235-434, College Readiness and Access, 60883  
shall be used by the Board of Regents to support programs designed 60884  
to improve the academic preparation and increase the number of 60885  
students that enroll and succeed in higher education such as the 60886  
Ohio College Access Network, the state match for the federal 60887  
Gaining Early Awareness and Readiness for Undergraduate Program, 60888  
and early awareness initiatives. The appropriation item shall also 60889  
be used to support innovative statewide strategies to increase 60890  
student access and retention for specialized populations, and to 60891  
provide for pilot projects that will contribute to improving 60892  
access to higher education by specialized populations. The funds 60893  
also may be used for projects that improve access for nonpublic 60894  
secondary students. 60895

Of the foregoing appropriation item 235-434, College 60896  
Readiness and Access, \$798,684 in fiscal year 2008 and \$822,645 in 60897  
fiscal year 2009 shall be distributed to the Ohio Appalachian 60898  
Center for Higher Education at Shawnee State University. The board 60899  
of directors of the Center shall consist of the presidents of 60900  
Shawnee State University, Belmont Technical College, Hocking 60901  
College, Jefferson Community College, Zane State College, Rio 60902  
Grande Community College, Southern State Community College, and 60903  
Washington State Community College; the president of Ohio 60904  
University or a designee of the president; the dean of one of the 60905  
Salem, Tuscarawas, and East Liverpool regional campuses of Kent 60906  
State University, as designated by the president of Kent State 60907  
University; and a representative of the Board of Regents 60908  
designated by the Chancellor. 60909

Of the foregoing appropriation item 235-434, College 60910  
Readiness and Access, \$169,553 in fiscal year 2008 and \$174,640 in 60911  
fiscal year 2009 shall be distributed to Miami University for the 60912  
Student Achievement in Research and Scholarship (STARS) Program. 60913

Of the foregoing appropriation item 235-434, College 60914  
Readiness and Access, \$3,503,985 in each fiscal year shall be used 60915  
in conjunction with funding provided in the Ohio Department of 60916  
Education budget under appropriation item 200-431, School 60917  
Improvement Initiatives, to support the Early College High School 60918  
Program. The funds shall be distributed according to guidelines 60919  
established by the Department of Education and the Board of 60920  
Regents. 60921

**Section 375.20.60. TEACHER IMPROVEMENT INITIATIVES** 60922

Appropriation item 235-435, Teacher Improvement Initiatives, 60923  
shall be used by the Board of Regents to support programs such as 60924  
OSI - Discovery and the Centers of Excellence in Mathematics and 60925  
Science designed to raise the quality of mathematics and science 60926

teaching in primary, secondary, and post-secondary education. 60927

Of the foregoing appropriation item 235-435, Teacher 60928  
Improvement Initiatives, \$204,049 in each fiscal year shall be 60929  
distributed to the Mathematics and Science Center in Lake County. 60930

Of the foregoing appropriation item 235-435, Teacher 60931  
Improvement Initiatives, \$106,619 in each fiscal year shall be 60932  
distributed to the Ohio Mathematics and Science Coalition. 60933

Of the foregoing appropriation item 234-435, Teacher 60934  
Improvement Initiatives, \$100,000 in each fiscal year shall be 60935  
distributed to the Teacher Quality Partnerships study. 60936

Of the foregoing appropriation item 235-435, Teacher 60937  
Improvement Initiatives, \$100,000 in each fiscal year shall be 60938  
distributed to the Sinclair Community College Distance Learning 60939  
STEM Partnership. 60940

Of the foregoing appropriation item 235-435, Teacher 60941  
Improvement Initiatives, \$874,871 in each fiscal year shall be 60942  
distributed to the Ohio Resource Center for Mathematics, Science, 60943  
and Reading. The funds shall be used to support a resource center 60944  
for mathematics, science, and reading to be located at a 60945  
state-assisted university for the purpose of identifying best 60946  
educational practices in primary and secondary schools and 60947  
establishing methods for communicating them to colleges of 60948  
education and school districts. The Ohio Resource Center for 60949  
Mathematics, Science, and Reading shall not make available 60950  
resources that are inconsistent with the K-12 science standards 60951  
and policies as adopted by the State Board of Education. 60952

Of the foregoing appropriation item 235-435, Teacher 60953  
Improvement Initiatives, up to \$2,000,000 in each fiscal year 60954  
shall be used to support up to ten regional summer academies that 60955  
focus on foreign language, science, mathematics, engineering, and 60956  
technology and prepare eleventh and twelfth grade students 60957

enrolled in public or chartered nonpublic schools to pursue 60958  
college-level foreign language, mathematics, science, technology, 60959  
and engineering, with a focus on secondary teaching in these 60960  
disciplines. Successful completion of these academics shall result 60961  
in dual high school and college credits. Costs shall be based upon 60962  
reasonable expenses, as determined by the Board of Regents, that 60963  
institutions of higher education may incur for faculty, supplies, 60964  
and other associated costs. 60965

Of the foregoing appropriation item 235-435, Teacher 60966  
Improvement Initiatives, up to \$4,000,000 in fiscal year 2009 60967  
shall be used to fund teacher-signing bonuses for individuals that 60968  
enter the teaching profession in a public school district or 60969  
school district building that has been designated a hard-to-staff 60970  
school by the Department of Education. To qualify for the signing 60971  
bonus, an individual must: (a) be licensed to teach; (b) be 60972  
assigned to teach in foreign language, science, or mathematics; 60973  
and (c) agree to teach in a hard-to-staff school for a minimum of 60974  
five years. An individual may qualify for up to \$20,000 in 60975  
state-funded bonuses if all obligations are met. The Board of 60976  
Regents shall develop this program jointly with the Department of 60977  
Education and the Partnership for Continued Learning. An 60978  
individual may participate in either the teacher-signing bonus 60979  
program or the teacher loan-forgiveness program, but may not 60980  
receive benefits from both programs. The Board of Regents shall 60981  
recoup funds received by any program participant who has not 60982  
fulfilled the five-year teaching obligation as described in this 60983  
section. 60984

Of the foregoing appropriation item 235-435, Teacher 60985  
Improvement Initiatives, up to \$2,500,000 in fiscal year 2009 60986  
shall be used to fund teacher loan-forgiveness for individuals 60987  
that enter the teaching profession in a school district or school 60988  
district building that has been designated as a hard-to-staff 60989

school by the Department of Education. To qualify for the loan 60990  
forgiveness, an individual must: (a) be licensed to teach; (b) be 60991  
assigned to teach in foreign language, science, or mathematics; 60992  
and (c) agree to teach in a hard-to-staff school for a minimum of 60993  
five years. An individual may qualify for up to \$20,000 in state 60994  
funded loan forgiveness if all obligations are met. The Board of 60995  
Regents shall develop this program jointly with the Department of 60996  
Education and the Partnership for Continued Learning. An 60997  
individual may participate in either the teacher-signing bonus 60998  
program or the teacher loan-forgiveness program, but may not 60999  
receive benefits from both programs. The Board of Regents shall 61000  
recoup funds received by any program participant who has not 61001  
fulfilled the five-year teaching obligation as described in this 61002  
section. 61003

**Section 375.20.70. ACCELERATEOHIO** 61004

Of the foregoing appropriation item 235-436 AccelerateOhio, 61005  
\$2,000,000 in fiscal year 2008 and \$5,000,000 in fiscal 2009 shall 61006  
be used by the Board of Regents, in collaboration with Ohio's 61007  
public two-year campuses, to develop and implement a statewide 61008  
program designed to improve the education and skills of Ohio's 61009  
workforce by assisting low-income working adults in Ohio to 61010  
improve their education and training. AccelerateOhio shall consist 61011  
of competency-based, low-cost, noncredit, and credit-bearing 61012  
modules and courses in communications, mathematics, and 61013  
information technology, and other fields selected by the Board of 61014  
Regents. The program shall be designed to culminate in a 61015  
certificate and provide recipients with a foundation for 61016  
additional post-secondary education. 61017

Of the foregoing appropriation item 235-436, AccelerateOhio, 61018  
\$500,000 in fiscal year 2008 shall be used to support the Health 61019  
Information and Imaging Technology Workforce Development Pilot 61020

Project pursuant to section 3333.55 of the Revised Code. 61021

**Section 375.20.75. STEM INITIATIVES** 61022

The foregoing appropriation item 235-437, STEM Initiatives, 61023  
shall be used for STEM Academies. 61024

**Section 375.20.80. EMINENT SCHOLARS** 61025

The foregoing appropriation item 235-451, Eminent Scholars, 61026  
shall be used by the Ohio Board of Regents to continue the Ohio 61027  
Eminent Scholars Program, the purpose of which is to invest 61028  
educational resources to address problems that are of vital 61029  
statewide significance while fostering the growth in eminence of 61030  
Ohio's academic programs. Ohio Eminent Scholars endowed chairs 61031  
shall allow Ohio universities to recruit senior faculty members 61032  
from outside Ohio who are nationally and internationally 61033  
recognized scholars in areas of science and technology that 61034  
provide the basic research platforms on which the state's 61035  
technology and commercialization efforts are built. Endowment 61036  
grants of approximately \$685,494 to state colleges and 61037  
universities and nonprofit Ohio institutions of higher education 61038  
holding certificates of authorization issued under section 1713.02 61039  
of the Revised Code to match endowment gifts from nonstate sources 61040  
may be made in accordance with a plan established by the Ohio 61041  
Board of Regents. Matching nonstate endowment gifts shall be equal 61042  
to the state's endowment grant of approximately \$685,494. The 61043  
grants shall have as their purpose attracting and sustaining in 61044  
Ohio scholar-leaders of national or international prominence; each 61045  
grant shall assist in accelerating state economic growth through 61046  
research that provides an essential basic science platform for 61047  
commercialization efforts. Such scholar-leaders shall, among their 61048  
duties, share broadly the benefits and knowledge unique to their 61049  
fields of scholarship to the betterment of Ohio and its people and 61050

collaborate with other state technology programs and program 61051  
recipients. 61052

All new Eminent Scholar awards made by the Board of Regents 61053  
shall be associated with a Wright Center of Innovation, a 61054  
Partnership Award from the Biomedical Research and Technology 61055  
Transfer Trust Fund, or a Wright Capital Project. 61056

**Section 375.20.90. ENTERPRISEOHIO NETWORK 61057**

The foregoing appropriation item 235-455, EnterpriseOhio 61058  
Network, shall be allocated by the Board of Regents to continue 61059  
increasing the capabilities of the EnterpriseOhio Network to meet 61060  
the ongoing training needs of Ohio employers. Funds shall support 61061  
multicampus collaboration, best practice dissemination, and 61062  
capacity building projects. The Regents Advisory Committee for 61063  
Workforce Development, in its advisory role, shall advise in the 61064  
development of plans and activities. 61065

**Section 375.30.10. AREA HEALTH EDUCATION CENTERS 61066**

The foregoing appropriation item 235-474, Area Health 61067  
Education Centers Program Support, shall be used by the Board of 61068  
Regents to support the medical school regional area health 61069  
education centers' educational programs for the continued support 61070  
of medical and other health professions education and for support 61071  
of the Area Health Education Center Program. 61072

Of the foregoing appropriation item 235-474, Area Health 61073  
Education Centers Program Support, \$159,158 in each fiscal year 61074  
shall be disbursed to the Ohio University College of Osteopathic 61075  
Medicine to operate a mobile health care unit to serve the 61076  
southeastern area of the state. 61077

Of the foregoing appropriation item 235-474, Area Health 61078  
Education Centers Program Support, \$119,369 in each fiscal year 61079  
shall be used to support the Ohio Valley Community Health 61080

Information Network (OVCHIN) project. 61081

**Section 375.30.20. STATE SHARE OF INSTRUCTION** 61082

The Board of Regents shall establish procedures to allocate 61083  
the foregoing appropriation item 235-501, State Share of 61084  
Instruction, based on the formulas and enrollment in the 61085  
instructional models set out in this section. 61086

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS 61087

(1) As soon as practicable during each fiscal year of the 61088  
biennium ending June 30, 2009, in accordance with instructions of 61089  
the Board of Regents, each state-assisted institution of higher 61090  
education shall report its actual enrollment to the Board of 61091  
Regents. 61092

(2) In defining the number of full-time equivalent students 61093  
for state subsidy purposes, the Board of Regents shall exclude all 61094  
undergraduate students who are not residents of Ohio, except those 61095  
charged in-state fees in accordance with reciprocity agreements 61096  
made under section 3333.17 of the Revised Code or employer 61097  
contracts entered into under section 3333.32 of the Revised Code. 61098

(3) In calculating the core subsidy entitlements for Medical 61099  
II models only, the Board of Regents shall use the following count 61100  
of FTE students: 61101

(a) For those medical schools whose current year enrollment, 61102  
including students repeating terms, is below the base enrollment, 61103  
the Medical II FTE enrollment shall equal: 65 per cent of the base 61104  
enrollment plus 35 per cent of the current year enrollment 61105  
including students repeating terms, where the base enrollment is: 61106

The Ohio State University	1010	61107
University of Cincinnati	833	61108
University of Toledo	650	61109
Wright State University	433	61110

Ohio University	433	61111
Northeastern Ohio Universities College of Medicine	433	61112

(b) For those medical schools whose current year enrollment, 61113  
excluding students repeating terms, is equal to or greater than 61114  
the base enrollment, the Medical II FTE enrollment shall equal the 61115  
base enrollment plus the FTE for repeating students. 61116

(c) Students repeating terms may be no more than five per 61117  
cent of current year enrollment. 61118

(4) The state share of instruction to state-supported 61119  
universities for students enrolled in law schools in fiscal year 61120  
2008 and fiscal year 2009 shall be calculated by using the number 61121  
of subsidy-eligible FTE law school students funded by state 61122  
subsidy in fiscal year 1995 or the actual number of 61123  
subsidy-eligible FTE law school students at the institution in the 61124  
fiscal year, whichever is less. 61125

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 61126

For purposes of calculating state share of instruction 61127  
allocations, the total instructional costs per full-time 61128  
equivalent student shall be: 61129

Model	Fiscal	Fiscal	
	Year 2008	Year 2009	
ARTS AND HUMANITIES 1	\$7,220	\$7,494	61131
ARTS AND HUMANITIES 2	9,431	9,790	61132
ARTS AND HUMANITIES 3	12,186	12,649	61133
ARTS AND HUMANITIES 4	17,836	18,514	61134
ARTS AND HUMANITIES 5	27,829	28,887	61135
ARTS AND HUMANITIES 6	34,540	35,852	61136
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	6,352	6,594	61137
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	7,389	7,670	61138
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	8,911	9,249	61139

BUSINESS, EDUCATION & SOCIAL SCIENCES 4	10,744	11,152	61140
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	17,070	17,719	61141
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	21,908	22,740	61142
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	26,019	27,008	61143
MEDICAL 1	43,190	44,831	61144
MEDICAL 2	47,635	49,445	61145
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	6,552	6,801	61146
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	9,196	9,545	61147
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	11,610	12,051	61148
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	14,789	15,351	61149
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	18,420	19,119	61150
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	19,990	20,750	61151
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	27,676	28,728	61152
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	35,308	36,650	61153
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	48,150	49,979	61154
Doctoral I and Doctoral II models shall be allocated in			61155
accordance with division (D)(1) of this section.			61156
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS			61157
			61158
For the purpose of implementing the recommendations of the			61159
State Share of Instruction Consultation and the Higher Education			61160
Funding Study Council that priority be given to maintaining state			61161
support for science, technology, engineering, mathematics,			61162

medicine, and graduate programs, the costs in division (B) of this			61163
section shall be weighted by the amounts provided below:			61164
Model	Fiscal	Fiscal	61165
	Year 2008	Year 2009	
ARTS AND HUMANITIES 1	1.000	1.000	61166
ARTS AND HUMANITIES 2	1.000	1.000	61167
ARTS AND HUMANITIES 3	1.000	1.000	61168
ARTS AND HUMANITIES 4	1.000	1.000	61169
ARTS AND HUMANITIES 5	1.250	1.250	61170
ARTS AND HUMANITIES 6	1.250	1.250	61171
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.000	1.000	61172
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.000	1.000	61173
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.000	1.000	61174
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.000	1.000	61175
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.250	1.250	61176
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.250	1.250	61177
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.250	1.250	61178
MEDICAL 1	1.500	1.500	61179
MEDICAL 2	1.728	1.728	61180
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.000	1.000	61181
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.002	1.002	61182
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.613	1.613	61183
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.690	1.690	61184
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.420	1.420	61185
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	2.081	2.081	61186
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.702	1.702	61187

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, 1.808 1.808 61188  
MEDICINE 8

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, 1.341 1.341 61189  
MEDICINE 9

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 61190  
ENTITLEMENTS AND ADJUSTMENTS 61191

(1) Of the foregoing appropriation item 235-501, State Share 61192  
of Instruction, up to 10.44 per cent of the appropriation in each 61193  
fiscal year shall be reserved for support of doctoral programs to 61194  
implement the recommendations of the Graduate Funding Commission. 61195  
The amount so reserved shall be referred to as the doctoral 61196  
set-aside. 61197

The doctoral set-aside shall be allocated to universities in 61198  
proportion to their share of the total number of Doctoral I 61199  
equivalent FTEs as calculated on an institutional basis using the 61200  
greater of the two-year or five-year FTEs for the period fiscal 61201  
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 61202  
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 61203  
adjusted to reflect the effects of doctoral review and subsequent 61204  
changes in Doctoral I equivalent enrollments. For the purposes of 61205  
this calculation, Doctoral I equivalent FTEs shall equal the sum 61206  
of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 61207

If a university participates in the Innovation Incentive 61208  
Program outlined in appropriation item 235-433, Economic Growth 61209  
Challenge, in fiscal year 2008 the Board of Regents shall withhold 61210  
the university's increasing matching share required by the 61211  
Innovation Incentive Program from its allocation of the doctoral 61212  
set-aside. 61213

The Board of Regents shall use the combined amount of each 61214  
participating state-assisted university's set aside of the 61215  
doctoral reserve that has been withheld, the state matching funds 61216  
earmarked under appropriation item 235-433, Economic Growth 61217

Challenge, and the amount set aside by each accredited Ohio 61218  
institution of higher education holding a certificate of 61219  
authorization under section 1713.02 of the Revised Code electing 61220  
to participate in the Innovation Incentive Program to make awards 61221  
through a competitive process under the Innovation Incentive 61222  
Program. Only universities electing to set aside the prescribed 61223  
amount shall be eligible to compete for and receive Innovation 61224  
Incentive awards. The participating universities shall use these 61225  
awards to restructure their array of doctoral programs. 61226

(2) Each campus's state share of instruction base formula 61227  
earnings shall be determined as follows: 61228

(a) For each campus in each fiscal year, the instructional 61229  
costs shall be determined by multiplying the amounts listed above 61230  
in divisions (B) and (C) of this section by (i) average 61231  
subsidy-eligible FTEs for the two-year period ending in the prior 61232  
year for all models except Doctoral I and Doctoral II; and (ii) 61233  
average subsidy-eligible FTEs for the five-year period ending in 61234  
the prior year for all models except Doctoral I and Doctoral II. 61235

(b) The Board of Regents shall compute the two calculations 61236  
listed in division (D)(2)(a) of this section and use the greater 61237  
amount as each campus's instructional costs. 61238

(c) The Board of Regents shall compute a uniform state share 61239  
of instructional costs by dividing the appropriations for 235-501, 61240  
State Share of Instruction, less the doctoral set-aside calculated 61241  
in division (D)(1) of this section, by the sum of all campuses' 61242  
instructional costs as calculated in division (D)(2)(b) of this 61243  
section. 61244

(d) The formula entitlement for each campus shall be 61245  
determined by multiplying the uniform state share of costs 61246  
calculated in division (D)(2)(c) of this section by the campus's 61247  
instructional cost determined in division (D)(2)(b) of this 61248

section. 61249

(3) In addition to the doctoral set-aside allocation 61250  
determined in division (D)(1) of this section and the formula 61251  
entitlement determined in division (D)(2) of this section, an 61252  
allocation based on fiscal year 2007 facility-based plant 61253  
operations and maintenance (POM) subsidy shall be made. No campus 61254  
shall be eligible for a POM allocation if the campus did not 61255  
receive a net-assignable-square-foot-based (NASF) POM allocation 61256  
in fiscal year 2007 and the amount of state share of instruction 61257  
subsidy the campus would have received in fiscal year 2007 had the 61258  
campus's calculation been based on the state share of instruction 61259  
method described in this section, but using relevant fiscal year 61260  
2007 data, is less than 98.5% of the campus's actual final fiscal 61261  
year 2007 state share of instruction earnings. 61262

For each eligible campus, the amount of the POM allocation in 61263  
each fiscal year shall be the lesser of: 61264

(a) 98.5% of the campus's actual final fiscal year 2007 state 61265  
share of instruction earnings, minus the amount the campus would 61266  
have received in fiscal year 2007 had the campus's calculation 61267  
been based on the state share of instruction method described in 61268  
this section, but using relevant fiscal year 2007 data; or 61269

(b) The actual final fiscal year 2007 61270  
net-assignable-square-foot-based (NASF) POM allocation that was 61271  
provided to the campus. 61272

Any POM allocations required by this division shall be funded 61273  
by proportionately reducing formula entitlement earnings, 61274  
including the POM allocations, for all campuses. 61275

The Board of Regents, in consultation with representatives of 61276  
state-assisted colleges and universities, shall study the need for 61277  
the facility-based POM allocations and make recommendations for 61278  
changes by June 30, 2008. 61279

(4) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE 61280

In addition to and after the other adjustment noted above, in 61281  
each fiscal year, no campus shall receive a state share of 61282  
instruction allocation that is less than 100 per cent of the prior 61283  
year's state share of instruction amount. Funds shall be made 61284  
available to fund this guarantee provision by recalculating the 61285  
uniform state share as described in division (D)(2)(c) of this 61286  
section by subtracting guarantee funds and the doctoral set-aside 61287  
from the total appropriations for appropriation item 235-501, 61288  
State Share of Instruction. 61289

(5) CAPITAL COMPONENT DEDUCTION 61290

After all other adjustments have been made, state share of 61291  
instruction earnings shall be reduced for each campus by the 61292  
amount, if any, by which debt service charged in Am. H.B. 748 of 61293  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 61294  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 61295  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 61296  
General Assembly, and Am. Sub. H.B. 699 of the 126th General 61297  
Assembly for that campus exceeds that campus's capital component 61298  
earnings. The sum of the amounts deducted shall be transferred to 61299  
appropriation item 235-552, Capital Component, in each fiscal 61300  
year. 61301

(E) EXCEPTIONAL CIRCUMSTANCES 61302

Adjustments may be made to the state share of instruction 61303  
payments and other subsidies distributed by the Board of Regents 61304  
to state-assisted colleges and universities for exceptional 61305  
circumstances. No adjustments for exceptional circumstances may be 61306  
made without the recommendation of the Chancellor and the approval 61307  
of the Controlling Board. 61308

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 61309  
INSTRUCTION 61310

The standard provisions of the state share of instruction calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation item 235-501, State Share of Instruction, before the Board of Regents has formally approved the final allocation of the state share of instruction funds for any fiscal year.

Any reductions made to appropriation item 235-501, State Share of Instruction, after the Board of Regents has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year shall be based upon the state share of instruction appropriation estimates made for the various institutions of higher education according to Board of Regents enrollment estimates. Payments during the last six months of the fiscal year shall be distributed after approval of the Controlling Board upon the request of the Board of Regents.

**Section 375.30.25.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2008 AND 2009

(A) The boards of trustees of institutions of state-supported higher education shall restrain increases in in-state undergraduate instructional and general fees. For the 2007-2008 academic year, each state-supported institution shall not increase its in-state undergraduate instructional and general fees by more than three per cent over what the institution charged for the 2006-2007 academic year. For the 2008-2009 academic year, each

state-supported institution shall not increase its in-state 61342  
undergraduate instructional and general fees over what the 61343  
institution charged for the 2007-2008 academic year. 61344

These limitations shall not apply to increases required to 61345  
comply with institutional covenants related to their obligations 61346  
or to meet unfunded legal mandates or legally binding obligations 61347  
incurred or commitments made prior to the effective date of this 61348  
section with respect to which the institution had identified such 61349  
fee increases as the source of funds. Any increase required by 61350  
such covenants and any such mandates, obligations, or commitments 61351  
shall be reported by the Board of Regents to the Controlling 61352  
Board. These limitations may also be modified by the Board of 61353  
Regents, with the approval of the Controlling Board, to respond to 61354  
exceptional circumstances as identified by the Board of Regents. 61355

(B)(1) Notwithstanding the distribution formulas outlined in 61356  
Section 375.30.20 of this act, in fiscal year 2008 each 61357  
state-supported institution shall receive what was received in 61358  
fiscal year 2007. In addition, each institution shall receive a 61359  
proportional share of the total appropriation increase from fiscal 61360  
year 2007 to fiscal year 2008 in appropriation item 235-501, State 61361  
Share of Instruction, if the institution demonstrates one per cent 61362  
savings through identified internal efficiencies in fiscal year 61363  
2008, as certified by the Chancellor of the Board of Regents. 61364

Notwithstanding the distribution formulas outlined in Section 61365  
375.30.20 of this act, in fiscal year 2009 each state-supported 61366  
institution shall receive what was received in fiscal year 2008. 61367  
In addition, each institution shall receive a proportional share 61368  
of the total appropriation increase from fiscal year 2008 to 61369  
fiscal year 2009 in appropriation item 235-501, State Share of 61370  
Instruction, if the institution demonstrates three per cent 61371  
savings through identified internal efficiencies in fiscal year 61372  
2009, as certified by the Chancellor of the Board of Regents. 61373

(2) In each fiscal year, state share of instruction earnings 61374  
shall be reduced for each campus by the amount, if any, by which 61375  
debt service charged in Am. H.B. 748 of the 121st General 61376  
Assembly, Am. Sub. H.B. 850 of the 122nd General Assembly, Am. 61377  
Sub. H.B. 640 of the 123rd General Assembly, H.B. 675 of the 124th 61378  
General Assembly, Am. Sub. H.B. 16 of the 126th General Assembly, 61379  
and Am. Sub. H.B. 699 of the 126th General Assembly for that 61380  
campus exceeds that campus's capital component earnings. The sum 61381  
of the amounts deducted shall be transferred to appropriation item 61382  
235-552, Capital Component, in each fiscal year. 61383

Adjustments may be made to the state share of instruction 61384  
payments and other subsidies distributed by the Board of Regents 61385  
to state-assisted colleges and universities for exceptional 61386  
circumstances. No adjustments for exceptional circumstances may be 61387  
made without the recommendation of the Board of Regents and the 61388  
approval of the Controlling Board. 61389

Any reductions made to appropriation item 235-501, State 61390  
Share of Instruction, shall be uniformly applied to each campus in 61391  
proportion to its share of the allocation. 61392

The state share of instruction payments to the institutions 61393  
shall be in substantially equal monthly amounts during the fiscal 61394  
year, unless otherwise determined by the Director of Budget and 61395  
Management pursuant to section 126.09 of the Revised Code. 61396  
Payments during the last six months of the fiscal year shall be 61397  
distributed after approval of the Controlling Board upon the 61398  
request of the Board of Regents. 61399

(C) In consultation with the Department of Development, the 61400  
Chancellor of the Board of Regents shall commission a study on the 61401  
needs of the business community relative to higher education in 61402  
the state. The study shall include all of the following: 61403

(1) Determine the needs of Ohio's business community; 61404

(2) Determine whether state-supported institutions of higher education are meeting those needs;	61405 61406
(3) Identify how state-supported institutions of higher education can improve to meet those needs;	61407 61408
(4) Identify the necessary skills and talents required by the business community that Ohio's college graduates must have in order to perform in the workplace; and	61409 61410 61411
(5) Make any necessary recommendations as to how state-supported institutions of higher education can better meet the needs of the business community.	61412 61413 61414
Not later than December 31, 2007, the Chancellor of the Board of Regents shall report the findings of the study to the Governor, the Speaker and the Minority Leader of the House of Representatives, and the President and the Minority Leader of the Senate.	61415 61416 61417 61418 61419
(D) In consultation with state-supported institutions of higher education, the Chancellor of the Board of Regents shall develop a plan that includes all of the following:	61420 61421 61422
(1) A plan to achieve the access goal of increasing the number of Ohioans with a college degree by 230,000 by 2017;	61423 61424
(2) A plan to achieve the success goal of increasing the graduation rate of those who first enroll in college on or after the effective date of this section by twenty per cent by 2017;	61425 61426 61427
(3) A plan to achieve affordability through tuition restraint and additional state support for higher education; such a plan shall include goals for establishing and implementing funding policies that provide for sufficient state funding support to reach tuition that matches or is lower than the national average and state support that matches or exceeds the national average;	61428 61429 61430 61431 61432 61433
(4) A plan to enhance the state's competitiveness for	61434

attracting federal and other support for research and development 61435  
at public research universities; such a plan shall include goals 61436  
for reaching or exceeding the national average level of support, 61437  
on a per capita basis, for research and development; 61438

(5) A plan to promote higher education throughout the state 61439  
through the coordinated leadership efforts of the Governor, the 61440  
Chancellor of the Board of Regents, and other stakeholders; such a 61441  
plan shall include goals for using various media and other 61442  
partnerships to raise awareness of college opportunities, to 61443  
increase public awareness about the value of a college education, 61444  
and to create a shared vision that a higher education is 61445  
attainable by all Ohioans. 61446

Each of these plans shall include key outcome measures and 61447  
other appropriate indicators to allow for monitoring of progress 61448  
made in meeting the established goals. Each state-supported 61449  
institution of higher education shall provide any student and 61450  
institutional outcome data in any program areas requested by the 61451  
Chancellor of the Board of Regents, including program efficiency 61452  
and utilization of state resources. Each state-supported 61453  
institution of higher education shall also commit to increasing 61454  
inter-institution collaborations and partnerships and enhancing 61455  
efficiencies with the goal of achieving measurable increases in 61456  
savings. 61457

In consultation with state-supported institutions of higher 61458  
education, the Chancellor of the Board of Regents shall study the 61459  
feasibility of establishing and implementing a tuition flexibility 61460  
plan that may allow state-supported institutions of higher 61461  
education to charge per-credit-hour-based tuition or differential 61462  
tuition. 61463

Not later than December 31, 2007, the Chancellor of the Board 61464  
of Regents shall report the plan and the tuition flexibility 61465  
feasibility study to the Governor, the Speaker and the Minority 61466

Leader of the House of Representatives, and the President and the 61467  
Minority Leader of the Senate. 61468

**Section 375.30.30. HIGHER EDUCATION - BOARD OF TRUSTEES** 61469

Funds appropriated for instructional subsidies at colleges 61470  
and universities may be used to provide such branch or other 61471  
off-campus undergraduate courses of study and such master's degree 61472  
courses of study as may be approved by the Board of Regents. 61473

In providing instructional and other services to students, 61474  
boards of trustees of state-assisted institutions of higher 61475  
education shall supplement state subsidies by income from charges 61476  
to students. Each board shall establish the fees to be charged to 61477  
all students, including an instructional fee for educational and 61478  
associated operational support of the institution and a general 61479  
fee for noninstructional services, including locally financed 61480  
student services facilities used for the benefit of enrolled 61481  
students. The instructional fee and the general fee shall 61482  
encompass all charges for services assessed uniformly to all 61483  
enrolled students. Each board may also establish special purpose 61484  
fees, service charges, and fines as required; such special purpose 61485  
fees and service charges shall be for services or benefits 61486  
furnished individual students or specific categories of students 61487  
and shall not be applied uniformly to all enrolled students. 61488  
Except for the board of trustees of Miami University, in 61489  
implementing the pilot tuition restructuring plan recognized in 61490  
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly 61491  
and again recognized by this act, a tuition surcharge shall be 61492  
paid by all students who are not residents of Ohio. 61493

The board of trustees of a state-assisted institution of 61494  
higher education shall not authorize a waiver or nonpayment of 61495  
instructional fees or general fees for any particular student or 61496  
any class of students other than waivers specifically authorized 61497

by law or approved by the Chancellor. This prohibition is not 61498  
intended to limit the authority of boards of trustees to provide 61499  
for payments to students for services rendered the institution, 61500  
nor to prohibit the budgeting of income for staff benefits or for 61501  
student assistance in the form of payment of such instructional 61502  
and general fees. This prohibition is not intended to limit the 61503  
authority of the board of trustees of Miami University in 61504  
providing financial assistance to students in implementing the 61505  
pilot tuition restructuring plan recognized in Section 89.05 of 61506  
Am. Sub. H.B. 95 of the 125th General Assembly and again 61507  
recognized by this act. 61508

Except for Miami University, in implementing the pilot 61509  
tuition restructuring plan recognized in Section 89.05 of Am. Sub. 61510  
H.B. 95 of the 125th General Assembly and again recognized by this 61511  
act, each state-assisted institution of higher education in its 61512  
statement of charges to students shall separately identify the 61513  
instructional fee, the general fee, the tuition charge, and the 61514  
tuition surcharge. Fee charges to students for instruction shall 61515  
not be considered to be a price of service but shall be considered 61516  
to be an integral part of the state government financing program 61517  
in support of higher educational opportunity for students. 61518

The board of trustees of state-assisted institutions of 61519  
higher education shall ensure that faculty members devote a proper 61520  
and judicious part of their work week to the actual instruction of 61521  
students. Total class credit hours of production per quarter per 61522  
full-time faculty member is expected to meet the standards set 61523  
forth in the budget data submitted by the Board of Regents. 61524

The authority of government vested by law in the boards of 61525  
trustees of state-assisted institutions of higher education shall 61526  
in fact be exercised by those boards. Boards of trustees may 61527  
consult extensively with appropriate student and faculty groups. 61528  
Administrative decisions about the utilization of available 61529

resources, about organizational structure, about disciplinary 61530  
procedure, about the operation and staffing of all auxiliary 61531  
facilities, and about administrative personnel shall be the 61532  
exclusive prerogative of boards of trustees. Any delegation of 61533  
authority by a board of trustees in other areas of responsibility 61534  
shall be accompanied by appropriate standards of guidance 61535  
concerning expected objectives in the exercise of such delegated 61536  
authority and shall be accompanied by periodic review of the 61537  
exercise of this delegated authority to the end that the public 61538  
interest, in contrast to any institutional or special interest, 61539  
shall be served. 61540

**Section 375.30.40. STUDENT SUPPORT SERVICES** 61541

The foregoing appropriation item 235-502, Student Support 61542  
Services, shall be distributed by the Board of Regents to Ohio's 61543  
state-assisted colleges and universities that incur 61544  
disproportionate costs in the provision of support services to 61545  
disabled students. 61546

**Section 375.30.50. OHIO INSTRUCTIONAL GRANTS** 61547

In each fiscal year, instructional grants for all eligible 61548  
full-time students who have attended a college, university, or 61549  
proprietary school and have completed coursework for college 61550  
credit, excluding early college high school and post-secondary 61551  
enrollment option students, prior to academic year 2006-2007, 61552  
shall be made using the tables under section 3333.12 of the 61553  
Revised Code. 61554

Of the foregoing appropriation item 235-503, Ohio 61555  
Instructional Grants, an amount in each fiscal year shall be used 61556  
to make the payments authorized by division (C) of section 3333.26 61557  
of the Revised Code to the institutions described in that 61558  
division. In addition, an amount in each fiscal year shall be used 61559

to reimburse the institutions described in division (B) of section 61560  
3333.26 of the Revised Code for the cost of the waivers required 61561  
by that division. 61562

The unencumbered balance of appropriation item 235-503, Ohio 61563  
Instructional Grants, at the end of fiscal year 2008 shall be 61564  
transferred to fiscal year 2009 for use under the same 61565  
appropriation item. The amounts transferred are hereby 61566  
appropriated. 61567

**Section 375.30.60. WAR ORPHANS SCHOLARSHIPS** 61568

The foregoing appropriation item 235-504, War Orphans 61569  
Scholarships, shall be used to reimburse state-assisted 61570  
institutions of higher education for waivers of instructional fees 61571  
and general fees provided by them, to provide grants to 61572  
institutions that have received a certificate of authorization 61573  
from the Ohio Board of Regents under Chapter 1713. of the Revised 61574  
Code, in accordance with the provisions of section 5910.04 of the 61575  
Revised Code, and to fund additional scholarship benefits provided 61576  
by section 5910.032 of the Revised Code. 61577

**Section 375.30.70. OHIOLINK** 61578

The foregoing appropriation item 235-507, OhioLINK, shall be 61579  
used by the Board of Regents to support OhioLINK, the state's 61580  
electronic library information and retrieval system, which 61581  
provides access statewide to an extensive set of electronic 61582  
databases and resources and the library holdings of all of Ohio's 61583  
public colleges and universities, 44 private colleges, and the 61584  
State Library of Ohio. 61585

**Section 375.30.80. AIR FORCE INSTITUTE OF TECHNOLOGY** 61586

The foregoing appropriation item 235-508, Air Force Institute 61587  
of Technology, shall be used to strengthen the research and 61588

educational linkages between the Wright Patterson Air Force Base 61589  
and institutions of higher education in Ohio. Of the foregoing 61590  
appropriation item 235-508, Air Force Institute of Technology, 61591  
\$1,233,588 in each fiscal year shall be used for research projects 61592  
that connect the Air Force Research Laboratories with university 61593  
partners. The institute shall provide annual reports to the Third 61594  
Frontier Commission, that discuss existing, planned, or possible 61595  
collaborations between programs and funding recipients related to 61596  
technology, research development, commercialization, and support 61597  
for Ohio's economic development. 61598

Of the foregoing appropriation item 235-508, Air Force 61599  
Institute of Technology, \$691,757 in each fiscal year shall be 61600  
used to match federal dollars to support technology 61601  
commercialization and job creation. The Development Research 61602  
Corporation shall use the funds to create or expand Ohio-based 61603  
technology and commercial development collaborations in areas that 61604  
are a priority in Ohio's third frontier initiative between 61605  
industry, academia, and government. 61606

**Section 375.30.90. OHIO SUPERCOMPUTER CENTER** 61607

The foregoing appropriation item 235-510, Ohio Supercomputer 61608  
Center, shall be used by the Board of Regents to support the 61609  
operation of the Ohio Super Computer Center, located at The Ohio 61610  
State University, as a statewide resource available to Ohio 61611  
research universities both public and private. It is also intended 61612  
that the center be made accessible to private industry as 61613  
appropriate. Policies of the center shall be established by a 61614  
governance committee, representative of Ohio's research 61615  
universities and private industry, to be appointed by the 61616  
Chancellor of the Board of Regents and established for this 61617  
purpose. 61618

Funds shall be used, in part, to support the Ohio 61619

Supercomputer Center's Computational Science Initiative which 61620  
includes its industrial outreach program, Blue Collar Computing, 61621  
and its School of Computational Science. These collaborations 61622  
between the Ohio Supercomputer Center and Ohio's colleges and 61623  
universities shall be aimed at making Ohio a leader in using 61624  
computer modeling to promote economic development. 61625

Of the foregoing appropriation item 235-510, Ohio 61626  
Supercomputer Center, \$250,000 in each fiscal year shall be used 61627  
to support the Super Computer Center's activities in Beavercreek. 61628

**Section 375.40.10. COOPERATIVE EXTENSION SERVICE** 61629

The foregoing appropriation item 235-511, Cooperative 61630  
Extension Service, shall be disbursed through the Board of Regents 61631  
to The Ohio State University in monthly payments, unless otherwise 61632  
determined by the Director of Budget and Management under section 61633  
126.09 of the Revised Code. 61634

Of the foregoing appropriation item 235-511, Cooperative 61635  
Extension Service, \$178,271 in each fiscal year shall be used for 61636  
additional staffing for county agents for expanded 4-H activities. 61637  
Of the foregoing appropriation item 235-511, Cooperative Extension 61638  
Service, \$178,271 in each fiscal year shall be used by the 61639  
Cooperative Extension Service, through the Enterprise Center for 61640  
Economic Development in cooperation with other agencies, for a 61641  
public-private effort to create and operate a small business 61642  
economic development program to enhance the development of 61643  
alternatives to the growing of tobacco, and implement, through 61644  
applied research and demonstration, the production and marketing 61645  
of other high-value crops and value-added products. Of the 61646  
foregoing appropriation item 235-511, Cooperative Extension 61647  
Service, \$55,179 in each fiscal year shall be used for farm labor 61648  
mediation and education programs, \$182,515 in each fiscal year 61649  
shall be used to support the Ohio State University Marion 61650

Enterprise Center, and \$772,931 in each fiscal year shall be used 61651  
to support the Ohio Watersheds Initiative. 61652

**Section 375.40.20. OHIO UNIVERSITY VOINOVICH CENTER** 61653

The foregoing appropriation item 235-513, Ohio University 61654  
Voinovich Center, shall be used by the Board of Regents to support 61655  
the operations of Ohio University's Voinovich Center. 61656

**Section 375.40.30. PERFORMANCE STANDARDS FOR MEDICAL** 61657  
**EDUCATION** 61658

The Board of Regents, in consultation with the state-assisted 61659  
medical colleges, shall develop performance standards for medical 61660  
education. Special emphasis in the standards shall be placed on 61661  
attempting to ensure that at least 50 per cent of the aggregate 61662  
number of students enrolled in state-assisted medical colleges 61663  
continue to enter residency as primary care physicians. Primary 61664  
care physicians are general family practice physicians, general 61665  
internal medicine practitioners, and general pediatric care 61666  
physicians. The Board of Regents shall monitor medical school 61667  
performance in relation to their plans for reaching the 50 per 61668  
cent systemwide standard for primary care physicians. 61669

**Section 375.40.35. CENTRAL STATE SUPPLEMENT** 61670

The foregoing appropriation item 235-514, Central State 61671  
Supplement, shall be used by Central State University to keep 61672  
undergraduate fees below the statewide average, consistent with 61673  
its mission of service to many first-generation college students 61674  
from groups historically underrepresented in higher education and 61675  
from families with limited incomes. 61676

**Section 375.40.40. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF** 61677  
**MEDICINE** 61678

The foregoing appropriation item 235-515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Board of Regents in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

**Section 375.40.50. CAPITOL SCHOLARSHIP PROGRAM** 61686

The foregoing appropriation item 235-518, Capitol Scholarship Program, shall be used by the Board of Regents to provide scholarships to undergraduates of Ohio's four-year public and private institutions of higher education participating in the Washington Center Internship Program. A scholarship of \$1,800 shall be awarded to students enrolled in an institution operating on a quarter system, and a scholarship of \$2,300 shall be awarded to students enrolled in an institution operating on a semester system. The number of scholarships awarded shall be limited by the amounts appropriated in fiscal years 2008 and 2009. The Washington Center shall provide a minimum of \$1,300 per student in matching scholarships.

**Section 375.40.60. FAMILY PRACTICE** 61699

The Board of Regents shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235-519, Family Practice.

**Section 375.40.70. SHAWNEE STATE SUPPLEMENT** 61703

The foregoing appropriation item 235-520, Shawnee State Supplement, shall be used by Shawnee State University as detailed by both of the following:

(A) To allow Shawnee State University to keep its

undergraduate fees below the statewide average, consistent with 61708  
its mission of service to an economically depressed Appalachian 61709  
region; 61710

(B) To allow Shawnee State University to employ new faculty 61711  
to develop and teach in new degree programs that meet the needs of 61712  
Appalachians. 61713

Shawnee State University shall produce a projection of 61714  
in-state undergraduate tuition costs for a four-year period of 61715  
study not later than June 30, 2008. In fiscal year 2009, the 61716  
disbursement of these funds shall be contingent upon Shawnee State 61717  
University producing the required tuition cost projection. Shawnee 61718  
State University shall make every effort to restrain future 61719  
in-state undergraduate tuition increases to stay within those 61720  
projected amounts. 61721

**Section 375.40.80. OSU GLENN INSTITUTE** 61722

The foregoing appropriation item 235-521, The Ohio State 61723  
University Glenn Institute, shall be used by the Board of Regents 61724  
to support the operations of the Ohio State University's Glenn 61725  
Institute. 61726

**Section 375.40.90. POLICE AND FIRE PROTECTION** 61727

The foregoing appropriation item 235-524, Police and Fire 61728  
Protection, shall be used for police and fire services in the 61729  
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 61730  
Portsmouth, Xenia Township (Greene County), Rootstown Township, 61731  
and the City of Nelsonville that may be used to assist these local 61732  
governments in providing police and fire protection for the 61733  
central campus of the state-affiliated university located therein. 61734  
Each participating municipality and township shall receive at 61735  
least \$5,000 in each fiscal year. Funds shall be distributed 61736  
according to the method employed by the Board of Regents in the 61737

previous biennium. 61738

**Section 375.50.10. GERIATRIC MEDICINE** 61739

The Board of Regents shall develop plans consistent with 61740  
existing criteria and guidelines as may be required for the 61741  
distribution of appropriation item 235-525, Geriatric Medicine. 61742

**Section 375.50.20. PRIMARY CARE RESIDENCIES** 61743

The Board of Regents shall develop plans consistent with 61744  
existing criteria and guidelines as may be required for the 61745  
distribution of appropriation item 235-526, Primary Care 61746  
Residencies. 61747

The foregoing appropriation item 235-526, Primary Care 61748  
Residencies, shall be distributed in each fiscal year of the 61749  
biennium, based on whether or not the institution has submitted 61750  
and gained approval for a plan. If the institution does not have 61751  
an approved plan, it shall receive five per cent less funding per 61752  
student than it would have received from its annual allocation. 61753  
The remaining funding shall be distributed among those 61754  
institutions that meet or exceed their targets. 61755

**Section 375.50.30. OHIO AEROSPACE INSTITUTE** 61756

The foregoing appropriation item 235-527, Ohio Aerospace 61757  
Institute, shall be distributed by the Board of Regents under 61758  
section 3333.042 of the Revised Code. 61759

The Board of Regents, in consultation with the Third Frontier 61760  
Commission, shall develop a plan for providing for appropriate, 61761  
value-added participation of the Ohio Aerospace Institute in Third 61762  
Frontier Project proposals and grants. 61763

**Section 375.50.40. ACADEMIC SCHOLARSHIPS** 61764

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 375.50.50. STUDENT CHOICE GRANTS** 61768

The foregoing appropriation item 235-531, Student Choice Grants, shall be used to provide Student Choice Grants under section 3333.27 of the Revised Code, except that in each fiscal year, the Board of Regents shall make a Student Choice Grant under that section only to a student who has a family income, as defined by the Board for purposes of section 3333.122 of the Revised Code, of \$95,000 or less.

**Section 375.50.60. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER** 61776  
61777

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, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code. The Ohio Agricultural Research and Development Center shall not be required to remit payment to The Ohio State University during the biennium ending June 30, 2009, for cost reallocation assessments. The cost reallocation assessments include, but are not limited to, any assessment on state appropriations to the Center.

The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs

shall be evaluated and rewarded consistent with agreed-upon 61795  
performance expectations as called for in the College's 61796  
Expectations and Criteria for Performance Assessment. 61797

Of the foregoing appropriation item 235-535, Ohio 61798  
Agricultural Research and Development Center, \$467,578 in each 61799  
fiscal year shall be used to purchase equipment. 61800

Of the foregoing appropriation item 235-535, Ohio 61801  
Agricultural Research and Development Center, \$822,592 in each 61802  
fiscal year shall be distributed to the Piketon Agricultural 61803  
Research and Extension Center. 61804

Of the foregoing appropriation item 235-535, Ohio 61805  
Agricultural Research and Development Center, \$216,471 in each 61806  
fiscal year shall be distributed to the 61807  
Raspberry/Strawberry-Ellagic Acid Research program at The Ohio 61808  
State University Medical College in cooperation with The Ohio 61809  
State University College of Agriculture. 61810

Of the foregoing appropriation item 235-535, Ohio 61811  
Agricultural Research and Development Center, \$43,294 in each 61812  
fiscal year shall be used to support the Ohio Berry Administrator. 61813

Of the foregoing appropriation item 235-535, Ohio 61814  
Agricultural Research and Development Center, \$86,588 in each 61815  
fiscal year shall be used for the development of agricultural 61816  
crops and products not currently in widespread production in Ohio, 61817  
in order to increase the income and viability of family farmers. 61818

Of the foregoing appropriation item 235-535, Ohio 61819  
Agricultural Research and Development Center, \$127,500 in each 61820  
fiscal year shall be distributed to Wilmington College for the 61821  
commercialization of agricultural products. 61822

**Section 375.50.70. STATE UNIVERSITY CLINICAL TEACHING** 61823

The foregoing appropriation items 235-536, The Ohio State 61824

University Clinical Teaching; 235-537, University of Cincinnati 61825  
Clinical Teaching; 235-538, University of Toledo Clinical 61826  
Teaching; 235-539, Wright State University Clinical Teaching; 61827  
235-540, Ohio University Clinical Teaching; and 235-541, 61828  
Northeastern Ohio Universities College of Medicine Clinical 61829  
Teaching, shall be distributed through the Board of Regents. 61830

Of the foregoing appropriation item 235-539, Wright State 61831  
University Clinical Teaching, \$124,644 in each fiscal year of the 61832  
biennium shall be for the use of Wright State University's Ellis 61833  
Institute for Clinical Teaching Studies to operate the clinical 61834  
facility to serve the Greater Dayton area. 61835

**Section 375.50.80. SCHOOL OF INTERNATIONAL BUSINESS** 61836

Of the foregoing appropriation item 235-547, School of 61837  
International Business, \$250,000 in each fiscal year shall be used 61838  
for the continued development and support of the School of 61839  
International Business of the state universities of northeast 61840  
Ohio. The money shall go to The University of Akron. These funds 61841  
shall be used by the university to establish a School of 61842  
International Business located at The University of Akron. It may 61843  
confer with Kent State University, Youngstown State University, 61844  
and Cleveland State University as to the curriculum and other 61845  
matters regarding the school. 61846

Of the foregoing appropriation item 235-547, School of 61847  
International Business, \$100,000 in each fiscal year shall be used 61848  
by the University of Toledo College of Business for expansion of 61849  
its international business programs. 61850

Of the foregoing appropriation item 235-547, School of 61851  
International Business, \$100,000 in each fiscal year shall be used 61852  
to support the Ohio State University BioMEMS program. 61853

**Section 375.50.90. CAPITAL COMPONENT** 61854

The foregoing appropriation item 235-552, Capital Component, 61855  
shall be used by the Board of Regents to implement the capital 61856  
funding policy for state-assisted colleges and universities 61857  
established in Am. H.B. 748 of the 121st General Assembly. 61858  
Appropriations from this item shall be distributed to all campuses 61859  
for which the estimated campus debt service attributable to new 61860  
qualifying capital projects is less than the campus's 61861  
formula-determined capital component allocation. Campus 61862  
allocations shall be determined by subtracting the estimated 61863  
campus debt service attributable to new qualifying capital 61864  
projects from the campus's formula-determined capital component 61865  
allocation. Moneys distributed from this appropriation item shall 61866  
be restricted to capital-related purposes. 61867

Any campus for which the estimated campus debt service 61868  
attributable to qualifying capital projects is greater than the 61869  
campus's formula-determined capital component allocation shall 61870  
have the difference subtracted from its State Share of Instruction 61871  
allocation in each fiscal year. The sum of all such amounts shall 61872  
be transferred from appropriation item 235-501, State Share of 61873  
Instruction, to appropriation item 235-552, Capital Component. 61874

**Section 375.60.10. DAYTON AREA GRADUATE STUDIES INSTITUTE** 61875

The foregoing appropriation item 235-553, Dayton Area 61876  
Graduate Studies Institute, shall be used by the Board of Regents 61877  
to support the Dayton Area Graduate Studies Institute, an 61878  
engineering graduate consortium of three universities in the 61879  
Dayton area: Wright State University, the University of Dayton, 61880  
and the Air Force Institute of Technology, with the participation 61881  
of the University of Cincinnati and The Ohio State University. 61882

Of the foregoing appropriation item 235-553, Dayton Area 61883  
Graduate Studies Institute, \$350,000 in each fiscal year shall be 61884  
used by the Development Research Corporation to support 61885

collaborative research and technology commercialization 61886  
initiatives in Ohio. 61887

**Section 375.60.20. PRIORITIES IN COLLABORATIVE GRADUATE** 61888  
**EDUCATION** 61889

The foregoing appropriation item 235-554, Priorities in 61890  
Collaborative Graduate Education, shall be used to support 61891  
improvements in graduate fields of study at state-assisted 61892  
universities identified by the Board of Regents, in consultation 61893  
with the Department of Development and the Department of Job and 61894  
Family Services, as vital to the state's economic strategy or 61895  
related to an area of workforce shortage. Each fiscal year, 61896  
participating institutions shall collectively submit for Board of 61897  
Regents approval a plan describing how they will work 61898  
collaboratively to improve the quality of their graduate programs 61899  
and how the funds are to be used for this purpose. The 61900  
collaborative effort for Ph.D. computer science programs shall be 61901  
coordinated by the Ohio Supercomputer Center as part of its School 61902  
of Computational Science. 61903

**Section 375.60.30. LIBRARY DEPOSITORIES** 61904

The foregoing appropriation item, 235-555, Library 61905  
Depositories, shall be distributed to the state's five regional 61906  
depository libraries for the cost-effective storage of and access 61907  
to lesser-used materials in university library collections. The 61908  
distribution of funds shall be coordinated by the Board of 61909  
Regents. 61910

**Section 375.60.40. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 61911

The foregoing appropriation item 235-556, Ohio Academic 61912  
Resources Network, shall be used to support the operations of the 61913  
Ohio Academic Resources Network, which shall include support for 61914

Ohio's state-assisted colleges and universities in maintaining and 61915  
enhancing network connections and in using new network 61916  
technologies to improve research, education, and economic 61917  
development programs. The network shall give priority to 61918  
supporting the Third Frontier Network and allocating bandwidth to 61919  
programs directly supporting Ohio's economic development. 61920

**Section 375.60.50. LONG-TERM CARE RESEARCH** 61921

Of the foregoing appropriation item 235-558, Long-term Care 61922  
Research, \$211,047 in each fiscal year shall be disbursed to Miami 61923  
University for long-term care research. 61924

Of the foregoing appropriation item, 235-558, Long-term Care 61925  
Research, \$100,000 in each fiscal year shall be used to support 61926  
research on best practices for long-term care in rural areas. 61927

**Section 375.60.60. BOWLING GREEN STATE UNIVERSITY CANADIAN** 61928  
**STUDIES CENTER** 61929

The foregoing appropriation item 235-561, Bowling Green State 61930  
University Canadian Studies Center, shall be used by the Canadian 61931  
Studies Center at Bowling Green State University to study 61932  
opportunities for Ohio and Ohio businesses to benefit from the 61933  
Free Trade Agreement between the United States and Canada. 61934

**Section 375.60.70. OHIO COLLEGE OPPORTUNITY GRANT PHASE-IN** 61935

The foregoing appropriation item 235-563, Ohio College 61936  
Opportunity Grant, shall be used by the Board of Regents to begin 61937  
to award needs-based financial aid to students based on the United 61938  
States Department of Education's method of determining financial 61939  
need. Students who enrolled in a public, private, or proprietary 61940  
post-secondary institution of higher education for the first time 61941  
in academic year 2006-2007, excluding early college high school 61942  
and post-secondary enrollment option participants, shall be 61943

eligible to receive aid based on their expected family 61944  
contributions as calculated by the United States Department of 61945  
Education, according to section 3333.122 of the Revised Code. 61946

Eligible expenditures from the foregoing appropriation item 61947  
235-563, Ohio College Opportunity Grant, shall be claimed each 61948  
fiscal year to help meet the state's TANF maintenance of effort 61949  
requirement. The Chancellor of the Board of Regents and the 61950  
Director of Job and Family Services shall enter into an 61951  
interagency agreement to carry out this paragraph, which shall 61952  
include, but not be limited to, developing reporting guidelines 61953  
for these expenditures. 61954

**Section 375.60.80. CENTRAL STATE UNIVERSITY SPEED TO SCALE** 61955

The foregoing appropriation 235-567, Central State University 61956  
Speed to Scale, shall be used to achieve the goals of the Speed to 61957  
Scale Plan, which include increasing student enrollment through 61958  
freshman recruitment and transferred students, increasing the 61959  
proportion of in-state students to 80 per cent of the total 61960  
student population, and increasing the student retention rates 61961  
between the first and second year of college by two per cent each 61962  
year. The goals shall be accomplished by targeting student 61963  
retention, improved articulation agreements with two-year 61964  
campuses, increased use of alternative course options, including 61965  
online coursework and Ohio Learning Network resources, College 61966  
Tech Prep, Post Secondary Enrollment Options, and other 61967  
dual-credit programs, and strategic partnerships with research 61968  
institutions to improve the quality of Central State University's 61969  
offering of science, technology, engineering, mathematics, and 61970  
medical instruction. In fiscal year 2009, the disbursement of 61971  
these funds shall be contingent upon Central State University 61972  
meeting the annual goals for the student enrollment and 61973  
first-to-second-year retention rate increases. 61974

There is hereby created the Speed to Scale Task Force that 61975  
shall meet not less than quarterly to discuss progress of the 61976  
plan, including performance on accountability metrics, issues 61977  
experienced in planned efforts, and to monitor and support the 61978  
creation of partnerships with other state institutions of higher 61979  
education. The Task Force shall consist of the president of 61980  
Central State University or the president's designee, the 61981  
president of Sinclair Community College or the president's 61982  
designee, the president of Cincinnati State Technical and 61983  
Community College or the president's designee, the president of 61984  
Cuyahoga Community College or the president's designee, The Ohio 61985  
State University or the president's designee, the president of the 61986  
University of Cincinnati or the president's designee, one 61987  
representative from the Board of Regents, one member of the House 61988  
of Representatives appointed by the Speaker of the House of 61989  
Representatives, one member of the Senate appointed by the 61990  
President of the Senate, the Director of Budget and Management or 61991  
the director's designee, and a representative of the Governor's 61992  
Office as appointed by the Governor. 61993

On the thirtieth day of June of each fiscal year, Central 61994  
State University and the Speed to Scale Task Force shall jointly 61995  
submit to the Governor, the Director of Budget and Management, the 61996  
Speaker of the House of Representatives, the President of the 61997  
Senate, and the Board of Regents a report describing the status of 61998  
their progress on the accountability metrics included in the Speed 61999  
to Scale plan. 62000

**Section 375.60.91. CHOOSE OHIO FIRST SCHOLARSHIP 62001**

It is the intent of the House of Representatives to work with 62002  
the Senate and the Governor to design the criteria for the Choose 62003  
Ohio First Scholarship to promote the pursuit of STEM degrees. 62004

**Section 375.70.10.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 62005

The foregoing appropriation item 235-572, The Ohio State 62006  
University Clinic Support, shall be distributed through the Board 62007  
of Regents to The Ohio State University for support of dental and 62008  
veterinary medicine clinics. 62009

**Section 375.70.20.** URBAN UNIVERSITY PROGRAM 62010

Universities receiving funds from the foregoing appropriation 62011  
item 235-583, Urban University Program, that are used to support 62012  
an ongoing university unit shall certify periodically in a manner 62013  
approved by the Board of Regents that program funds are being 62014  
matched on a one-to-one basis with equivalent resources. Overhead 62015  
support may not be used to meet this requirement. Where Urban 62016  
University Program funds are being used to support an ongoing 62017  
university unit, matching funds shall come from continuing rather 62018  
than one-time sources. At each participating state-assisted 62019  
institution of higher education, matching funds shall be within 62020  
the substantial control of the individual designated by the 62021  
institution's president as the Urban University Program 62022  
representative. 62023

Of the foregoing appropriation item 235-583, Urban University 62024  
Program, \$117,215 in each fiscal year shall be used to support the 62025  
Center for the Interdisciplinary Study of Education and the Urban 62026  
Child at Cleveland State University. These funds shall be 62027  
distributed according to rules adopted by the Board of Regents and 62028  
shall be used by the center for interdisciplinary activities 62029  
targeted toward increasing the chance of lifetime success of the 62030  
urban child, including interventions beginning with the prenatal 62031  
period. The primary purpose of the center is to study issues in 62032  
urban education and to systematically map directions for new 62033  
approaches and new solutions by bringing together a cadre of 62034

researchers, scholars, and professionals representing the social, 62035  
behavioral, education, and health disciplines. 62036

Of the foregoing appropriation item 235-583, Urban University 62037  
Program, \$1,433,037 in each fiscal year shall be distributed by 62038  
the Board of Regents to Cleveland State University in support of 62039  
the Maxine Goodman Levin College of Urban Affairs. 62040

Of the foregoing appropriation item 235-583, Urban University 62041  
Program, \$1,433,037 in each fiscal year shall be distributed to 62042  
the Northeast Ohio Research Consortium, the Urban Linkages 62043  
Program, and the Urban Research Technical Assistance Grant 62044  
Program. The distribution among the three programs shall be 62045  
determined by the chair of the Urban University Program. 62046

Of the foregoing appropriation item 235-583, Urban University 62047  
Program, \$247,453 in each fiscal year shall be used to support a 62048  
public communication outreach program (WCPN). The primary purpose 62049  
of the program shall be to develop a relationship between 62050  
Cleveland State University and nonprofit communications entities. 62051

Of the foregoing appropriation item 235-583, Urban University 62052  
Program, \$169,310 in each fiscal year shall be used to support the 62053  
Kent State University Learning and Technology Project. This 62054  
project is a kindergarten through university collaboration between 62055  
schools surrounding Kent State University's eight campuses in 62056  
northeast Ohio and corporate partners who will assist in 62057  
development and delivery. 62058

The Kent State University Project shall provide a faculty 62059  
member who has a full-time role in the development of 62060  
collaborative activities and teacher instructional programming 62061  
between Kent State University and the K-12th grade schools that 62062  
surround its eight campuses; appropriate student support staff to 62063  
facilitate these programs and joint activities; and hardware and 62064  
software to schools that will make possible the delivery of 62065

instruction to pre-service and in-service teachers, and their 62066  
students, in their own classrooms or school buildings. This shall 62067  
involve the delivery of low-bandwidth streaming video and 62068  
web-based technologies in a distributed instructional model. 62069

Of the foregoing appropriation item 235-583, Urban University 62070  
Program, \$65,119 in each fiscal year shall be used to support the 62071  
Ameritech Classroom/Center for Research at Kent State University. 62072

Of the foregoing appropriation item 235-583, Urban University 62073  
Program, \$723,547 in each fiscal year shall be used to support the 62074  
Polymer Distance Learning Project at the University of Akron. 62075

Of the foregoing appropriation item 235-583, Urban University 62076  
Program, \$32,560 in each fiscal year shall be distributed to the 62077  
Kent State University/Cleveland Design Center program. 62078

Of the foregoing appropriation item 235-583, Urban University 62079  
Program, \$180,886 in each fiscal year shall be used to support the 62080  
Bliss Institute of Applied Politics at the University of Akron. 62081

Of the foregoing appropriation item 235-583, Urban University 62082  
Program, \$10,851 in each fiscal year shall be used for the 62083  
Advancing-Up Program at the University of Akron. 62084

Of the foregoing appropriation item 235-583, Urban University 62085  
Program, \$139,777 in each fiscal year shall be used to support the 62086  
Strategic Economic Research Collaborative at the University of 62087  
Toledo Urban Affairs Center. 62088

Of the foregoing appropriation item 235-583, Urban University 62089  
Program, \$139,777 in each fiscal year shall be used to support the 62090  
Institute for Collaborative Research and Public Humanities at The 62091  
Ohio State University. 62092

Of the foregoing appropriation item 235-583, Urban University 62093  
Program, \$300,368 in each fiscal year shall be used to support the 62094  
Medina County University Center. 62095

Of the foregoing appropriation item 235-583, Urban University 62096  
Program, \$150,000 in each fiscal year shall be used to support the 62097  
Ohio State University African American and African Studies 62098  
Community Extension Center. 62099

**Section 375.70.30. RURAL UNIVERSITY PROJECTS** 62100

Of the foregoing appropriation item 235-587, Rural University 62101  
Projects, Bowling Green State University shall receive \$263,783 in 62102  
each fiscal year, Miami University shall receive \$145,320 in each 62103  
fiscal year, and Ohio University shall receive \$575,015 in each 62104  
fiscal year. These funds shall be used to support the Institute 62105  
for Local Government Administration and Rural Development at Ohio 62106  
University, the Center for Public Management and Regional Affairs 62107  
at Miami University, and the Center for Regional Development at 62108  
Bowling Green State University. 62109

A small portion of the funds provided to Ohio University 62110  
shall also be used for the Institute for Local Government 62111  
Administration and Rural Development State and Rural Policy 62112  
Partnership with the Governor's Office of Appalachia and the 62113  
Appalachian delegation of the General Assembly. 62114

Of the foregoing appropriation item 235-587, Rural University 62115  
Projects, \$15,942 in each fiscal year shall be used to support the 62116  
Washington State Community College day care center. 62117

Of the foregoing appropriation item 235-587, Rural University 62118  
Projects, \$47,829 in each fiscal year shall be used to support the 62119  
COAD/ILGARD/GOA Appalachian Leadership Initiative. 62120

**Section 375.70.40. HAZARDOUS MATERIALS PROGRAM** 62121

The foregoing appropriation item 235-596, Hazardous Materials 62122  
Program, shall be disbursed to Cleveland State University for the 62123  
operation of a program to certify firefighters for the handling of 62124  
hazardous materials. Training shall be available to all Ohio 62125

firefighters. 62126

Of the foregoing appropriation item 235-596, Hazardous 62127  
Materials Program, \$177,337 in each fiscal year shall be used to 62128  
support the Center for the Interdisciplinary Study of Education 62129  
and Leadership in Public Service at Cleveland State University. 62130  
These funds shall be distributed by the Board of Regents and shall 62131  
be used by the center targeted toward increasing the role of 62132  
special populations in public service and not-for-profit 62133  
organizations. The primary purpose of the center is to study 62134  
issues in public service and to guide strategies for attracting 62135  
new communities into public service occupations by bringing 62136  
together a cadre of researchers, scholars, and professionals 62137  
representing the public administration, social behavioral, and 62138  
education disciplines. 62139

**Section 375.70.50. NATIONAL GUARD SCHOLARSHIP PROGRAM** 62140

The Board of Regents shall disburse funds from appropriation 62141  
item 235-599, National Guard Scholarship Program, at the direction 62142  
of the Adjutant General. During each fiscal year, the Board of 62143  
Regents, within ten days of cancellation, may certify to the 62144  
Director of Budget and Management the amount of canceled 62145  
prior-year encumbrances in appropriation item 235-599, National 62146  
Guard Scholarship Program. Upon receipt of the certification, the 62147  
Director of Budget and Management may transfer an amount up to the 62148  
certified amount from the General Revenue Fund to the National 62149  
Guard Scholarship Reserve Fund (Fund 5BM). Upon the request of the 62150  
Adjutant General, the Board of Regents shall seek Controlling 62151  
Board approval to establish appropriations in item 235-623, 62152  
National Guard Scholarship Reserve Fund. The Board of Regents 62153  
shall disburse funds from appropriation item 235-623, National 62154  
Guard Scholarship Reserve Fund, at the direction of the Adjutant 62155  
General. 62156

**\*Section 375.70.60. PLEDGE OF FEES** 62157

Any new pledge of fees, or new agreement for adjustment of 62158  
fees, made in the biennium ending June 30, 2009, to secure bonds 62159  
or notes of a state-assisted institution of higher education for a 62160  
project for which bonds or notes were not outstanding on the 62161  
effective date of this section shall be effective only after 62162  
approval by the Board of Regents, unless approved in a previous 62163  
biennium. 62164

**Section 375.70.70. HIGHER EDUCATION GENERAL OBLIGATION DEBT 62165  
SERVICE** 62166

The foregoing appropriation item 235-909, Higher Education 62167  
General Obligation Debt Service, shall be used to pay all debt 62168  
service and related financing costs at the times they are required 62169  
to be made for obligations issued during the period from July 1, 62170  
2007, to June 30, 2009, under sections 151.01 and 151.04 of the 62171  
Revised Code. 62172

**Section 375.70.80. SALES AND SERVICES** 62173

The Board of Regents is authorized to charge and accept 62174  
payment for the provision of goods and services. Such charges 62175  
shall be reasonably related to the cost of producing the goods and 62176  
services. No charges may be levied for goods or services that are 62177  
produced as part of the routine responsibilities or duties of the 62178  
Board. All revenues received by the Board of Regents shall be 62179  
deposited into Fund 456, and may be used by the Board of Regents 62180  
to pay for the costs of producing the goods and services. 62181

**Section 375.70.90. OHIO HIGHER EDUCATIONAL FACILITY 62182  
COMMISSION SUPPORT** 62183

The foregoing appropriation item 235-602, Higher Educational 62184

Facility Commission Administration, shall be used by the Board of 62185  
Regents for operating expenses related to the Board of Regents' 62186  
support of the activities of the Ohio Higher Educational Facility 62187  
Commission. Upon the request of the chancellor, the Director of 62188  
Budget and Management shall transfer up to \$50,000 cash in fiscal 62189  
year 2008 and up to \$45,000 cash in fiscal year 2009 from Fund 461 62190  
to Fund 4E8. 62191

**Section 375.80.10. PHYSICIAN LOAN REPAYMENT** 62192

The foregoing appropriation item 235-604, Physician Loan 62193  
Repayment, shall be used in accordance with sections 3702.71 to 62194  
3702.81 of the Revised Code. 62195

**Section 375.80.20. NURSING LOAN PROGRAM** 62196

The foregoing appropriation item 235-606, Nursing Loan 62197  
Program, shall be used to administer the nurse education 62198  
assistance program. Up to \$159,600 in fiscal year 2008 and 62199  
\$167,580 in fiscal year 2009 may be used for operating expenses 62200  
associated with the program. Any additional funds needed for the 62201  
administration of the program are subject to Controlling Board 62202  
approval. 62203

**Section 375.80.30. REPAYMENT OF RESEARCH FACILITY INVESTMENT** 62204  
**FUND MONEYS** 62205

Notwithstanding any provision of law to the contrary, all 62206  
repayments of Research Facility Investment Fund loans shall be 62207  
made to the Bond Service Trust Fund. All Research Facility 62208  
Investment Fund loan repayments made prior to the effective date 62209  
of this section shall be transferred by the Director of Budget and 62210  
Management to the Bond Service Trust Fund within sixty days after 62211  
the effective date of this section. 62212

Campuses shall make timely repayments of Research Facility 62213

Investment Fund loans, according to the schedule established by 62214  
the Board of Regents. In the case of late payments, the Board of 62215  
Regents may deduct from an institution's periodic subsidy 62216  
distribution an amount equal to the amount of the overdue payment 62217  
for that institution, transfer such amount to the Bond Service 62218  
Trust Fund, and credit the appropriate institution for the 62219  
repayment. 62220

**Section 375.80.40. VETERANS' PREFERENCES** 62221

The Board of Regents shall work with the Governor's Office of 62222  
Veterans' Affairs to develop specific veterans' preference 62223  
guidelines for higher education institutions. These guidelines 62224  
shall ensure that the institutions' hiring practices are in 62225  
accordance with the intent of Ohio's veterans' preference laws. 62226

**Section 375.80.50. STATE NEED-BASED FINANCIAL AID** 62227  
RECONCILIATION 62228

By the first day of August in each fiscal year, or as soon 62229  
thereafter as possible, the Ohio Board of Regents shall certify to 62230  
the Director of Budget and Management the amount necessary to pay 62231  
any outstanding prior year obligations to higher education 62232  
institutions for the state's need-based financial aid programs. 62233  
The amounts certified are hereby appropriated to appropriation 62234  
item 235-618, State Need-based Financial Aid Reconciliation, from 62235  
revenues received in the State Need-based Financial Aid 62236  
Reconciliation Fund (Fund 5Y5). 62237

**Section 375.80.60. TRANSFERS TO STATE NEED-BASED FINANCIAL** 62238  
AID PROGRAMS 62239

In each fiscal year of the biennium, if the Chancellor of the 62240  
Board of Regents determines that additional funds are needed to 62241  
support the distribution of state need-based financial aid in 62242

accordance with sections 3333.12 and 3333.122 of the Revised Code, 62243  
the Chancellor shall recommend the reallocation of unencumbered 62244  
and unobligated appropriation balances of General Revenue Fund 62245  
appropriation items in the Board of Regents to GRF appropriation 62246  
items 235-503, Ohio Instructional Grants, and 235-563, Ohio 62247  
College Opportunity Grant. If the Director of Budget and 62248  
Management determines that such a reallocation is required, the 62249  
Director may transfer those identified unencumbered and 62250  
unobligated funds in the Board of Regents as necessary to GRF 62251  
appropriation items 235-503, Ohio Instructional Grants, and 62252  
235-563, Ohio College Opportunity Grant. The amounts transferred 62253  
to appropriation items 235-503, Ohio Instructional Grants, and 62254  
235-563, Ohio College Opportunity Grant, are hereby appropriated. 62255  
If those unencumbered and unobligated funds are not sufficient to 62256  
support the distribution of state need-based financial aid in 62257  
accordance with sections 3333.12 and 3333.122 of the Revised Code 62258  
in each fiscal year, the Director of Budget and Management may 62259  
increase the appropriation from the General Revenue Fund of 62260  
appropriation items 235-503, Ohio Instructional Grants, and 62261  
235-563, Ohio College Opportunity Grant, in each fiscal year. The 62262  
combined increase to appropriation items 235-503, Ohio 62263  
Instructional Grants, and 235-563, Ohio College Opportunity Grant, 62264  
authorized under this section shall not exceed \$5,000,000 in total 62265  
for the purpose of need-based financial aid in each fiscal year of 62266  
the biennium. 62267

<b>Section 377.10. DRC DEPARTMENT OF REHABILITATION AND</b>				62268	
CORRECTION				62269	
General Revenue Fund				62270	
GRF 501-321 Institutional	\$	892,162,864	\$	928,980,197	62271
Operations					
GRF 501-403 Prisoner Compensation	\$	8,599,255	\$	8,599,255	62272
GRF 501-405 Halfway House	\$	41,214,205	\$	41,214,205	62273

GRF 501-406	Lease Rental Payments	\$ 106,531,029	\$ 105,948,153	62274
GRF 501-407	Community Nonresidential Programs	\$ 16,514,626	\$ 16,547,367	62275
GRF 501-408	Community Misdemeanor Programs	\$ 9,313,076	\$ 9,313,076	62276
GRF 501-501	Community Residential Programs - CBCF	\$ 57,104,132	\$ 57,104,132	62277
GRF 502-321	Mental Health Services	\$ 75,112,063	\$ 78,405,363	62278
GRF 503-321	Parole and Community Operations	\$ 79,296,672	\$ 82,739,767	62279
GRF 504-321	Administrative Operations	\$ 27,599,198	\$ 28,703,273	62280
GRF 505-321	Institution Medical Services	\$ 199,073,620	\$ 198,337,805	62281
GRF 506-321	Institution Education Services	\$ 23,784,868	\$ 24,847,502	62282
GRF 507-321	Institution Recovery Services	\$ 7,319,028	\$ 7,664,520	62283
TOTAL GRF	General Revenue Fund	\$ 1,543,624,636	\$ 1,588,404,615	62284
	General Services Fund Group			62285
148 501-602	Services and Agricultural	\$ 104,485,807	\$ 108,290,058	62286
200 501-607	Ohio Penal Industries	\$ 39,395,391	\$ 40,845,414	62287
4B0 501-601	Sewer Treatment Services	\$ 2,331,003	\$ 2,407,018	62288
4D4 501-603	Prisoner Programs	\$ 20,967,703	\$ 20,967,703	62289
4L4 501-604	Transitional Control	\$ 2,051,451	\$ 2,051,451	62290
4S5 501-608	Education Services	\$ 4,564,072	\$ 4,564,072	62291
483 501-605	Property Receipts	\$ 393,491	\$ 393,491	62292
5AF 501-609	State and Non-Federal Awards	\$ 262,718	\$ 262,718	62293
5H8 501-617	Offender Financial	\$ 2,500,000	\$ 2,500,000	62294

		Responsibility				
5L6	501-611	Information Technology	\$	3,741,980	\$	3,741,980 62295
		Services				
571	501-606	Training Academy	\$	75,190	\$	75,190 62296
		Receipts				
593	501-618	Laboratory Services	\$	5,799,999	\$	5,799,999 62297
TOTAL	GSF	General Services Fund	\$	186,568,805	\$	191,899,094 62298
Group						
Federal Special Revenue Fund Group						62299
3S1	501-615	Truth-In-Sentencing	\$	8,709,142	\$	8,709,142 62300
		Grants				
323	501-619	Federal Grants	\$	12,198,353	\$	12,198,353 62301
3CJ	501-621	Medicaid Inpatient	\$	11,600,000	\$	15,500,000 62302
		Services				
TOTAL	FED	Federal Special Revenue				62303
Fund Group			\$	32,507,495	\$	36,407,495 62304
TOTAL	ALL BUDGET FUND GROUPS		\$	1,762,700,936	\$	1,816,711,204 62305
OHIO BUILDING AUTHORITY LEASE PAYMENTS						62306
The foregoing appropriation item 501-406, Lease Rental						62307
Payments, shall be used to meet all payments during the period						62308
from July 1, 2007, to June 30, 2009, under the primary leases and						62309
agreements for those buildings made under Chapter 152. of the						62310
Revised Code. These appropriations are the source of funds pledged						62311
for bond service charges or obligations issued pursuant to Chapter						62312
152. of the Revised Code.						62313
PRISONER COMPENSATION						62314
Money from the foregoing appropriation item 501-403, Prisoner						62315
Compensation, shall be transferred on a quarterly basis by						62316
intrastate transfer voucher to the Services and Agricultural Fund						62317
(Fund 148) for the purposes of paying prisoner compensation.						62318
HIV/AIDS TESTING REENTRY PILOT PROGRAM						62319

Of the foregoing appropriation item 505-321, Institution 62320  
Medical Services, up to \$250,000 in each fiscal year shall be used 62321  
for the HIV/AIDS testing re-entry pilot program at the Mansfield 62322  
Correctional Institution. Prior to a prisoner's release from 62323  
custody at the Mansfield Correctional Institution under the 62324  
control of the Department of Rehabilitation and Correction, the 62325  
department shall examine and test a prisoner for HIV infection and 62326  
any sexually transmitted disease. The department may examine and 62327  
test involuntarily a prisoner who refuses to be tested. 62328

**Section 377.20.** LIMA CORRECTIONAL INSTITUTION STUDY COMMITTEE 62329

(A) There is hereby created the Lima Correctional Institution 62330  
Study Committee, effective July 1, 2007. The Committee shall 62331  
consist of the following nine members: 62332

(1) The Director of Rehabilitation and Correction or the 62333  
Director's designee; 62334

(2) The eight members of the Correctional Institution 62335  
Inspection Committee. 62336

(B) The Director of Rehabilitation and Correction shall be 62337  
the chairperson of the Lima Correctional Institution Study 62338  
Committee. 62339

(C) The Lima Correctional Institution Study Committee shall 62340  
procure an independent feasibility study, performed by a 62341  
consultant, through the Department of Rehabilitation and 62342  
Correction. The study shall examine the highest and best use for 62343  
the Lima Correctional Institution and shall examine, at a minimum, 62344  
all of the following: 62345

(1) State and local correctional needs and the utilization of 62346  
state and local facilities to service those needs; 62347

(2) The current condition and value of the Lima Correctional 62348  
Institution; 62349

(3) The cost to reopen the Lima Correctional Institution in part or in whole for a correctional purpose;	62350 62351
(4) Alternative uses for the Lima Correctional Institution;	62352
(5) The funding options to utilize the Lima Correctional Institution;	62353 62354
(6) The economic impact of the Lima Correctional Institution on the Lima region and the potential non-prison economic development opportunities for a closed prison facility.	62355 62356 62357
(D) The Lima Correctional Institution Study Committee and the consultant selected shall utilize the staff of the Department of Rehabilitation and Correction for research and other support functions as much as feasible.	62358 62359 62360 62361
(E) Of the foregoing appropriation item 501-321, Institutional Operations, \$50,000 in fiscal year 2008 shall be used to fund the feasibility study.	62362 62363 62364
(F) The Lima Correctional Institution Study Committee shall submit a report of the Committee's findings not later than April 1, 2008, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Committee shall cease to exist after submitting the report.	62365 62366 62367 62368 62369
<b>Section 377.30. DEPARTMENT OF REHABILITATION AND CORRECTION</b>	62370
BLUE RIBBON COMMISSION	62371
(A) There is hereby created the Blue Ribbon Commission of the Department of Rehabilitation and Correction composed of the following members:	62372 62373 62374
(1) The Director of Rehabilitation and Correction or the Director's designee;	62375 62376
(2) One member of the Criminal Sentencing Commission, appointed by the Governor;	62377 62378

(3) A representative of the Ohio Civil Service Employees' Association, appointed by the Governor;	62379 62380
(4) One county sheriff, appointed by the Governor;	62381
(5) One retired judge, appointed by the Governor;	62382
(6) One individual with expertise in corrections from an accredited college or university, appointed by the Governor;	62383 62384
(7) One individual representing community corrections facilities, appointed by the Governor;	62385 62386
(8) Two individuals, appointed by the President of the Senate;	62387 62388
(9) Two individuals, appointed by the Speaker of the House of Representatives.	62389 62390
(B) All appointments to the Blue Ribbon Commission shall be made on or after January 1, 2008.	62391 62392
(C) The Blue Ribbon Commission shall conduct a comprehensive review of county, multicounty, municipal, municipal-county, and multicounty-municipal jails and workhouses, prisons, community-based correctional institutions, and other correctional institutions within the state, and of the offenders confined at these facilities. The review shall include, but is not limited to, a review of staffing levels at these facilities, projected needs and costs related to the operation of these facilities, the health and safety of the staff and inmates, and per diem costs of incarceration at each type of facility. The Blue Ribbon Commission shall develop recommendations based on its review. The recommendations shall include, but are not limited to, recommendations for sentencing reform, cost savings, and a means of better anticipating the fiscal and security impacts of sentencing legislation.	62393 62394 62395 62396 62397 62398 62399 62400 62401 62402 62403 62404 62405 62406 62407
(D) The members of the Blue Ribbon Commission shall elect a	62408

chairperson and vice-chairperson at the first meeting of the 62409  
 Commission. Meetings of the Commission shall be open to the 62410  
 public, and the Commission shall accept public testimony at 62411  
 Commission meetings. The Commission shall meet as often as 62412  
 necessary and shall submit its final report and recommendations by 62413  
 January 1, 2009, to the Governor and the Director of 62414  
 Rehabilitation and Correction. The Blue Ribbon Commission shall 62415  
 cease to exist after submitting its final report and 62416  
 recommendations. Member vacancies shall be filled in the same 62417  
 manner as for original members of the Commission. 62418

(E) Members of the Blue Ribbon Commission shall serve without 62419  
 compensation. 62420

**Section 379.10. RSC REHABILITATION SERVICES COMMISSION** 62421

General Revenue Fund 62422

GRF 415-100 Personal Services \$ 8,851,468 \$ 8,851,468 62423

GRF 415-402 Independent Living \$ 400,000 \$ 400,000 62424

Council

GRF 415-406 Assistive Technology \$ 47,531 \$ 47,531 62425

GRF 415-431 Office for People with \$ 226,012 \$ 226,012 62426

Brain Injury

GRF 415-506 Services for People \$ 16,059,541 \$ 16,059,541 62427

with Disabilities

GRF 415-508 Services for the Deaf \$ 50,000 \$ 50,000 62428

TOTAL GRF General Revenue Fund \$ 25,634,552 \$ 25,634,552 62429

General Services Fund Group 62430

4W5 415-606 Program Management \$ 18,123,188 \$ 18,557,040 62431

Expenses

467 415-609 Business Enterprise \$ 1,632,082 \$ 1,632,082 62432

Operating Expenses

TOTAL GSF General Services 62433

Fund Group \$ 19,755,270 \$ 20,189,122 62434

Federal Special Revenue Fund Group				62435
3L1 415-601 Social Security	\$	3,743,740	\$ 3,743,740	62436
Personal Care				
Assistance				
3L1 415-608 Social Security	\$	2,256,260	\$ 2,256,260	62437
Vocational				
Rehabilitation				
3L4 415-612 Federal Independent	\$	648,908	\$ 648,908	62438
Living Centers or				
Services				
3L4 415-615 Federal - Supported	\$	884,451	\$ 796,006	62439
Employment				
3L4 415-617 Independent	\$	1,490,944	\$ 1,490,944	62440
Living/Vocational				
Rehabilitation				
Programs				
317 415-620 Disability	\$	82,808,006	\$ 87,546,215	62441
Determination				
379 415-616 Federal - Vocational	\$	122,484,545	\$ 123,638,578	62442
Rehabilitation				
TOTAL FED Federal Special				62443
Revenue Fund Group	\$	214,316,854	\$ 220,120,651	62444
State Special Revenue Fund Group				62445
4L1 415-619 Services for	\$	3,765,337	\$ 4,500,000	62446
Rehabilitation				
468 415-618 Third Party Funding	\$	906,910	\$ 906,910	62447
TOTAL SSR State Special				62448
Revenue Fund Group	\$	4,672,247	\$ 5,406,910	62449
TOTAL ALL BUDGET FUND GROUPS	\$	264,378,923	\$ 271,351,235	62450
INDEPENDENT LIVING COUNCIL				62451
The foregoing appropriation item 415-402, Independent Living				62452
Council, shall be used to fund the operations of the State				62453

Independent Living Council and shall be used to support state 62454  
independent living centers and independent living services under 62455  
Title VII of the Independent Living Services and Centers for 62456  
Independent Living of the Rehabilitation Act Amendments of 1992, 62457  
106 Stat. 4344, 29 U.S.C. 796d. 62458

OFFICE FOR PEOPLE WITH BRAIN INJURY 62459

Of the foregoing appropriation item 415-431, Office for 62460  
People with Brain Injury, up to \$50,000 in each fiscal year shall 62461  
be used for the state match for a federal grant awarded through 62462  
the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to 62463  
\$50,000 in each fiscal year shall be provided to the Brain Injury 62464  
Trust Fund. The remaining appropriation shall be used to plan and 62465  
coordinate head-injury-related services provided by state agencies 62466  
and other government or private entities, to assess the needs for 62467  
such services, and to set priorities in this area. 62468

VOCATIONAL REHABILITATION SERVICES 62469

The foregoing appropriation item 415-506, Services for People 62470  
with Disabilities, shall be used as state matching funds to 62471  
provide vocational rehabilitation services to eligible consumers. 62472

PROGRAM MANAGEMENT EXPENSES 62473

The foregoing appropriation item 415-606, Program Management 62474  
Expenses, shall be used to support the administrative functions of 62475  
the commission related to the provision of vocational 62476  
rehabilitation, disability determination services, and ancillary 62477  
programs. 62478

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 62479

The foregoing appropriation item 415-617, Independent 62480  
Living/Vocational Rehabilitation Programs, shall be used to 62481  
support vocational rehabilitation programs. 62482

SOCIAL SECURITY REIMBURSEMENT FUNDS 62483

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), to the extent funds are available, 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 415-608, Social Security Vocational Rehabilitation, 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 Program to pay its share of indirect costs as mandated by federal OMB Circular A-87.

**PERFORMANCE REVIEW**

The Auditor of State shall complete a performance review of the Rehabilitation Services Commission. Upon completing the performance review, the Auditor of State shall submit a report of the findings of the review to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Board of Rehabilitation Services Commission.

**Section 381.10. RCB RESPIRATORY CARE BOARD**

General Services Fund Group				62508
4K9 872-609 Operating Expenses	\$	491,628	\$ 481,768	62509
TOTAL GSF General Services Fund Group				62510
	\$	491,628	\$ 481,768	62511
TOTAL ALL BUDGET FUND GROUPS	\$	491,628	\$ 481,768	62512

**Section 383.10. RDF REVENUE DISTRIBUTION FUNDS**

62514

Volunteer Firefighters' Dependents Fund				62515
085 800-900 Volunteer	\$	300,000	\$ 300,000	62516
Firefighters'				
Dependents Fund				
TOTAL 085 Volunteer Firefighters'				62517
Dependents Fund	\$	300,000	\$ 300,000	62518
Agency Fund Group				62519
062 110-962 Resort Area Excise Tax	\$	1,000,000	\$ 1,000,000	62520
063 110-963 Permissive Tax	\$	1,778,662,000	\$ 1,849,000,000	62521
Distribution				
067 110-967 School District Income	\$	325,000,000	\$ 350,000,000	62522
Tax				
4P8 001-698 Cash Management	\$	3,050,000	\$ 3,100,000	62523
Improvement Fund				
608 001-699 Investment Earnings	\$	250,000,000	\$ 250,000,000	62524
TOTAL AGY Agency Fund Group	\$	2,357,712,000	\$ 2,453,100,000	62525
Holding Account Redistribution				62526
R45 110-617 International Fuel Tax	\$	50,000,000	\$ 50,000,000	62527
Distribution				
TOTAL 090 Holding Account	\$	50,000,000	\$ 50,000,000	62528
Redistribution Fund				
Revenue Distribution Fund Group				62529
049 038-900 Indigent Drivers	\$	1,797,000	\$ 1,832,000	62530
Alcohol Treatment				
050 762-900 International	\$	54,475,631	\$ 55,565,143	62531
Registration Plan				
Distribution				
051 762-901 Auto Registration	\$	500,000,000	\$ 539,000,000	62532
Distribution				
054 110-954 Local Government	\$	93,250,000	\$ 95,125,000	62533
Property Tax				
Replacement - Utility				

060	110-960	Gasoline Excise Tax Fund	\$ 375,000,000	\$ 375,000,000	62534
064	110-964	Local Government Revenue Assistance	\$ 42,400,000	\$ 0	62535
065	110-965	Library/Local Government Support Fund	\$ 207,200,000	\$ 0	62536
066	800-900	Undivided Liquor Permits	\$ 13,500,000	\$ 13,500,000	62537
068	110-968	State and Local Government Highway Distribution	\$ 240,250,000	\$ 242,500,000	62538
069	110-969	Local Government Fund	\$ 298,700,000	\$ 0	62539
081	110-981	Local Government Property Tax Replacement-Business	\$ 262,500,000	\$ 366,800,000	62540
082	110-982	Horse Racing Tax	\$ 125,000	\$ 130,000	62541
083	700-900	Ohio Fairs Fund	\$ 2,277,000	\$ 2,325,000	62542
088	110-900	Local Government Services Collaboration	\$ 1,000,000	\$ 0	62543
091	110-991	Local Communities	\$ 430,600,000	\$ 782,800,000	62544
092	110-992	Local Libraries	\$ 251,700,000	\$ 462,800,000	62545
TOTAL RDF Revenue Distribution					62546
Fund Group			\$ 2,774,774,631	\$ 2,937,377,143	62547
TOTAL ALL BUDGET FUND GROUPS			\$ 5,182,786,631	\$ 5,440,777,143	62548
ADDITIONAL APPROPRIATIONS					62549
Appropriation items in this section shall be used for the					62550
purpose of administering and distributing the designated revenue					62551
distribution funds according to the Revised Code. If it is					62552
determined that additional appropriations are necessary for this					62553
purpose, such amounts are appropriated.					62554
GENERAL REVENUE FUND TRANSFERS TO LOCAL GOVERNMENT PROPERTY					62555

TAX REPLACEMENT - BUSINESS (FUND 081) 62556

Notwithstanding any provision of law to the contrary, in 62557  
fiscal year 2008 and fiscal year 2009, the Director of Budget and 62558  
Management may transfer from the General Revenue Fund to the Local 62559  
Government Property Tax Replacement - Business (Fund 081) in the 62560  
Revenue Distribution Fund, those amounts necessary to reimburse 62561  
local taxing units under section 5751.22 of the Revised Code. 62562  
Also, in fiscal year 2008 and fiscal year 2009, the Director of 62563  
Budget and Management may make temporary transfers from the 62564  
General Revenue Fund to ensure sufficient balances in the Local 62565  
Government Property Tax Replacement - Business Fund (Fund 081) and 62566  
to replenish the General Revenue Fund for such transfers. 62567

**Section 383.20.** LOCAL GOVERNMENT SERVICES COLLABORATION GRANT 62568  
PROGRAM 62569

(A) The Director of Development shall administer a Local 62570  
Government Services Collaboration Grant Program. The Director may 62571  
adopt rules under section 111.15 of the Revised Code and do all 62572  
things necessary for that purpose. 62573

(B) There is hereby created in the State Treasury the Local 62574  
Government Services Collaboration Grant Fund (Fund 088). The fund 62575  
shall consist of all cash deposited into it pursuant to Section 62576  
757.03 of this act. The fund shall be used by the Director of 62577  
Development in administering the Local Government Services 62578  
Collaboration Grant Program. 62579

On July 1, 2007, or as soon as possible thereafter, the 62580  
Director of Budget and Management shall transfer \$1,000,000 cash 62581  
from the General Revenue Fund to the Local Government Services 62582  
Collaboration Grant Fund established in this section. The amount 62583  
transferred is hereby appropriated. 62584

(C) The foregoing appropriation item 110-900, Local 62585

Government Services Collaboration, shall be used by the Director 62586  
of Development to administer the Local Government Services 62587  
Collaboration Grant Program. Moneys shall be used to provide 62588  
grants to counties, municipal corporations, and townships that are 62589  
interested in combining the provision of local government services 62590  
with those of other counties, municipal corporations, or 62591  
townships. Individual grant awards shall be used solely for the 62592  
cost of conducting a feasibility study that addresses whether, and 62593  
in what manner, counties, municipal corporations, and townships 62594  
may combine their respective provision of local government 62595  
services. 62596

Individual grants shall be available on a competitive basis 62597  
to a county, municipal corporation, or township that proposes to 62598  
combine its provision of local government services with those of 62599  
at least two other counties, municipal corporations, or townships, 62600  
or with any combination of at least two other counties, municipal 62601  
corporations, or townships. Grants shall be awarded according to 62602  
the following formula: 62603

(1) For a total of, or for any combination of, three 62604  
counties, municipal corporations, or townships, the grant shall be 62605  
equal to fifty per cent of the total cost of the feasibility 62606  
study, or not more than \$30,000; 62607

(2) For a total of, or for any combination of, four counties, 62608  
municipal corporations, or townships, the grant shall be equal to 62609  
sixty per cent of the total cost of the feasibility study, or not 62610  
more than \$40,000; 62611

(3) For a total of, or for any combination of, five counties, 62612  
municipal corporations, or townships, the grant shall be equal to 62613  
seventy per cent of the total cost of the feasibility study, or 62614  
not more than \$50,000; 62615

(4) For a total of, or for any combination of, six counties, 62616

municipal corporations, or townships, the grant shall be equal to 62617  
eighty per cent of the total cost of the feasibility study, or not 62618  
more than \$60,000; 62619

(5) For a total of, or for any combination of, seven 62620  
counties, municipal corporations, or townships, the grant shall be 62621  
equal to ninety per cent of the total cost of the feasibility 62622  
study, or not more than \$70,000; 62623

(6) For a total of, or for any combination of, eight or more 62624  
counties, municipal corporations, or townships, the grant shall be 62625  
equal to the total cost of the feasibility study, or not more than 62626  
\$80,000. 62627

(D) Of the foregoing appropriation 110-900, Local Government 62628  
Services Collaboration, not more than \$100,000 over the biennium 62629  
may be used by the Department of Development for operating 62630  
expenditures in administering the Local Government Services 62631  
Collaboration Grant Program. 62632

(E) Applicants for funding under the Local Government 62633  
Services Collaboration Grant Program are encouraged to utilize the 62634  
services of state-funded colleges and universities to conduct the 62635  
feasibility studies referenced under this section. 62636

(F) As used in this section, "local government services" 62637  
means services typically provided by a county, municipal 62638  
corporation, or township for the health, safety, and well-being of 62639  
community residents and includes, but is not limited to, police 62640  
and fire protection, 9-1-1 emergency service, trash collection, 62641  
snow removal, road repair, and the provision of public utilities 62642  
such as water and sewer services. 62643

(G) On or before June 30, 2008, the unencumbered balance of 62644  
the foregoing appropriation item 110-900, Local Government 62645  
Services Collaboration, for fiscal year 2008 is hereby 62646  
appropriated for the same purpose for fiscal year 2009. 62647

<b>Section 385.10. SAN BOARD OF SANITARIAN REGISTRATION</b>				62648
General Services Fund Group				62649
4K9 893-609 Operating Expenses	\$	138,551	\$ 138,551	62650
TOTAL GSF General Services				62651
Fund Group	\$	138,551	\$ 138,551	62652
TOTAL ALL BUDGET FUND GROUPS				62653
 <b>Section 387.10. OSB OHIO STATE SCHOOL FOR THE BLIND</b>				 62655
General Revenue Fund				62656
GRF 226-100 Personal Services	\$	7,093,127	\$ 7,519,318	62657
GRF 226-200 Maintenance	\$	704,154	\$ 704,154	62658
GRF 226-300 Equipment	\$	113,288	\$ 113,288	62659
TOTAL GRF General Revenue Fund	\$	7,910,569	\$ 8,336,760	62660
General Services Fund Group				62661
4H8 226-602 School Improvement	\$	37,514	\$ 37,514	62662
Grants				
TOTAL GSF General Services				62663
Fund Group	\$	37,514	\$ 37,514	62664
Federal Special Revenue Fund Group				62665
3P5 226-643 Medicaid Services	\$	50,000	\$ 50,000	62666
Reimbursement				
310 226-626 Multi-Handicapped	\$	2,527,105	\$ 2,527,105	62667
Student Support				
TOTAL FED Federal Special				62668
Revenue Fund Group	\$	2,577,105	\$ 2,577,105	62669
State Special Revenue Fund Group				62670
4M5 226-601 Work Study and	\$	217,397	\$ 217,397	62671
Donations				
TOTAL SSR State Special Revenue				62672
Fund Group	\$	217,397	\$ 217,397	62673
TOTAL ALL BUDGET FUND GROUPS				62674

<b>Section 389.10. OSD OHIO SCHOOL FOR THE DEAF</b>				62676
General Revenue Fund				62677
GRF 221-100 Personal Services	\$	8,775,363	\$ 9,263,862	62678
GRF 221-200 Maintenance	\$	1,033,092	\$ 1,033,092	62679
GRF 221-300 Equipment	\$	222,500	\$ 222,500	62680
TOTAL GRF General Revenue Fund	\$	10,030,955	\$ 10,519,454	62681
General Services Fund Group				62682
4M1 221-602 School Improvement	\$	38,000	\$ 38,000	62683
Grants				
TOTAL GSF General Services				62684
Fund Group	\$	38,000	\$ 38,000	62685
Federal Special Revenue Fund Group				62686
3AD 221-604 VREAL Ohio	\$	25,000	\$ 25,000	62687
3R0 221-684 Medicaid Services	\$	34,999	\$ 34,999	62688
Reimbursement				62689
3Y1 221-686 Federal Early	\$	250,000	\$ 250,000	62690
Childhood Grant				
311 221-625 Statewide Outreach	\$	2,470,135	\$ 2,470,135	62691
TOTAL FED Federal Special				62692
Revenue Fund Group	\$	2,780,134	\$ 2,780,134	62693
State Special Revenue Fund Group				62694
4M0 221-601 Work Study and	\$	95,000	\$ 95,000	62695
Donations				
5H6 221-609 Preschool Program	\$	127,832	\$ 125,358	62696
Support				
TOTAL SSR State Special Revenue				62697
Fund Group	\$	222,832	\$ 220,358	62698
TOTAL ALL BUDGET FUND GROUPS	\$	13,071,921	\$ 13,557,946	62699
<b>Section 391.10. SFC SCHOOL FACILITIES COMMISSION</b>				62701
General Revenue Fund				62702

GRF 230-428 Lease Rental Payments	\$	22,702,000	\$	0	62703
GRF 230-908 Common Schools General	\$	270,529,980	\$	322,665,885	62704
Obligation Debt					
Service					
TOTAL GRF General Revenue Fund	\$	293,231,980	\$	322,665,885	62705
State Special Revenue Fund Group					62706
5E3 230-644 Operating Expenses	\$	7,749,813	\$	7,786,197	62707
TOTAL SSR State Special Revenue					62708
Fund Group	\$	7,749,813	\$	7,786,197	62709
TOTAL ALL BUDGET FUND GROUPS	\$	300,981,793	\$	330,452,082	62710

**Section 391.20. LEASE RENTAL PAYMENTS** 62712

The foregoing appropriation item 230-428, Lease Rental 62713  
 Payments, shall be used to meet all payments at the times they are 62714  
 required to be made during the period from July 1, 2007, to June 62715  
 30, 2009, by the Ohio School Facilities Commission under leases 62716  
 and agreements made under section 3318.26 of the Revised Code. 62717

**COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE** 62718

The foregoing appropriation item 230-908, Common Schools 62719  
 General Obligation Debt Service, shall be used to pay all debt 62720  
 service and related financing costs at the times they are required 62721  
 to be made for obligations issued during the period from July 1, 62722  
 2007, through June 30, 2009, under sections 151.01 and 151.03 of 62723  
 the Revised Code. 62724

**OPERATING EXPENSES** 62725

The foregoing appropriation item 230-644, Operating Expenses, 62726  
 shall be used by the Ohio School Facilities Commission to carry 62727  
 out its responsibilities under this section and Chapter 3318. of 62728  
 the Revised Code. 62729

In both fiscal years 2008 and 2009, the Executive Director of 62730  
 the Ohio School Facilities Commission shall certify on a quarterly 62731

basis to the Director of Budget and Management the amount of cash 62732  
from interest earnings to be transferred from the School Building 62733  
Assistance Fund (Fund 032), the Public School Building Fund (Fund 62734  
021), and the Educational Facilities Trust Fund (Fund N87) to the 62735  
Ohio School Facilities Commission Fund (Fund 5E3). The amount 62736  
transferred from the School Building Assistance Fund (Fund 032) 62737  
may not exceed investment earnings credited to the fund, less any 62738  
amount required to be paid for federal arbitrage rebate purposes. 62739

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 62740

At the request of the Executive Director of the Ohio School 62741  
Facilities Commission, the Director of Budget and Management may 62742  
cancel encumbrances for school district projects from a previous 62743  
biennium if the district has not raised its local share of project 62744  
costs within one year of receiving Controlling Board approval 62745  
under section 3318.05 of the Revised Code. The Executive Director 62746  
of the Ohio School Facilities Commission shall certify the amounts 62747  
of the canceled encumbrances to the Director of Budget and 62748  
Management on a quarterly basis. The amounts of the canceled 62749  
encumbrances are hereby appropriated. 62750

**Section 391.30.** EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 62751  
FACILITIES 62752

Notwithstanding any other provision of law to the contrary, 62753  
the Ohio School Facilities Commission may provide assistance under 62754  
the Exceptional Needs School Facilities Program established in 62755  
section 3318.37 of the Revised Code to any school district, and 62756  
not exclusively to a school district in the lowest seventy-five 62757  
per cent of adjusted valuation per pupil on the current ranking of 62758  
school districts established under section 3317.02 of the Revised 62759  
Code, for the purpose of the relocation or replacement of school 62760  
facilities required as a result of extreme environmental 62761  
contamination. 62762

The Ohio School Facilities Commission shall contract with an independent environmental consultant to conduct a study and to report to the commission as to the seriousness of the environmental contamination, whether the contamination violates applicable state and federal standards, and whether the facilities are no longer suitable for use as school facilities. The commission then shall make a determination regarding funding for the relocation or replacement of the school facilities. If the federal government or other public or private entity provides funds for restitution of costs incurred by the state or school district in the relocation or replacement of the school facilities, the school district shall use such funds in excess of the school district's share to refund the state for the state's contribution to the environmental contamination portion of the project. The school district may apply an amount of such restitution funds up to an amount equal to the school district's portion of the project, as defined by the commission, toward paying its portion of that project to reduce the amount of bonds the school district otherwise must issue to receive state assistance under sections 3318.01 to 3318.20 of the Revised Code.

**Section 391.40.** CANTON CITY SCHOOL DISTRICT PROJECT

(A) The Ohio School Facilities Commission may commit up to thirty-five million dollars to the Canton City School District for construction of a facility described in this section, in lieu of a high school that would otherwise be authorized under Chapter 3318. 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. 62794  
62795

(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: 62796  
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62798  
62799  
62800  
62801  
62802  
62803

(1) The Commission shall not have any oversight responsibilities over the construction of the facility. 62804  
62805

(2) The facility need not comply with the specifications for plans and materials for high schools adopted by the Commission. 62806  
62807

(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. 62808  
62809  
62810

(4) The state shall not share in any increases in the basic project cost for the facility above the amount authorized under this section. 62811  
62812  
62813

All other provisions of Chapter 3318. of the Revised Code apply to the approval and construction of a facility authorized under this section. 62814  
62815  
62816

The state funds committed to the facility authorized by this section shall be part of the total amount the state commits to the Canton City School District under Chapter 3318. of the Revised Code. All additional state funds committed to the Canton City School District for classroom facilities assistance shall be subject to all provisions of Chapter 3318. of the Revised Code. 62817  
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62819  
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62822

**Section 391.50. CAREER-TECHNICAL LOAN PROGRAM** 62823

Within thirty days after the effective date of this section, 62824  
or as soon as possible thereafter, the Executive Director of the 62825  
Ohio School Facilities Commission shall certify the cash balance 62826  
in the Career-Technical School Building Assistance Fund (Fund 020) 62827  
to the Director of Budget and Management, who shall transfer that 62828  
amount to the Public School Building Fund (Fund 021) and abolish 62829  
the Career-Technical School Building Assistance Fund (Fund 020). 62830

All repayments of current loans approved under section 62831  
3318.48 of the Revised Code, which is repealed by this act, shall 62832  
be deposited to the credit of the Public School Building Fund 62833  
(Fund 021). Should a district fail to submit the annual 62834  
installment of the loan repayment within sixty days after the due 62835  
date, the Department of Education, upon the request of the 62836  
Executive Director of the Ohio School Facilities Commission, shall 62837  
deduct the amount of the installment from payments due to a 62838  
district under Chapter 3317. of the Revised Code or from any other 62839  
funds appropriated to the district by the General Assembly, and 62840  
shall transfer that amount to the Commission to the credit of the 62841  
Public School Building Fund (Fund 021). 62842

**Section 393.10. SOS SECRETARY OF STATE** 62843

General Revenue Fund 62844

GRF 050-321 Operating Expenses	\$	2,585,000	\$	2,585,000	62845
GRF 050-403 Election Statistics	\$	103,936	\$	103,936	62846
GRF 050-407 Pollworkers Training	\$	277,997	\$	277,997	62847
GRF 050-409 Litigation	\$	4,652	\$	4,652	62848

Expenditures

TOTAL GRF General Revenue Fund \$ 2,971,585 \$ 2,971,585 62849

General Services Fund Group 62850

4S8 050-610 Board of Voting	\$	7,200	\$	7,200	62851
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Machine Examiners

412 050-609 Notary Commission	\$	685,249	\$	685,249	62852
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413	050-601	Information Systems	\$	119,955	\$	119,955	62853
414	050-602	Citizen Education Fund	\$	55,712	\$	55,712	62854
TOTAL		General Services Fund Group	\$	868,116	\$	868,116	62855
Federal Special Revenue Fund Group							62856
3AH	050-614	Election Reform/Health and Human Services	\$	1,000,000	\$	1,000,000	62857
3AS	050-616	2005 HAVA Voting Machines	\$	3,750,000	\$	3,750,000	62858
3X4	050-612	Ohio Center/Law Related Educational Grant	\$	41,000	\$	41,000	62859
TOTAL FED		Federal Special Revenue Fund Group	\$	4,791,000	\$	4,791,000	62860 62861
State Special Revenue Fund Group							62862
5N9	050-607	Technology Improvements	\$	129,565	\$	129,565	62863
599	050-603	Business Services Operating Expenses	\$	13,761,734	\$	13,761,734	62864
TOTAL SSR		State Special Revenue Fund Group	\$	13,891,299	\$	13,891,299	62865 62866
Holding Account Redistribution Fund Group							62867
R01	050-605	Uniform Commercial Code Refunds	\$	30,000	\$	30,000	62868
R02	050-606	Corporate/Business Filing Refunds	\$	85,000	\$	85,000	62869
TOTAL 090		Holding Account Redistribution Fund Group	\$	115,000	\$	115,000	62870 62871
TOTAL ALL BUDGET FUND GROUPS			\$	22,637,000	\$	22,637,000	62872
BOARD OF VOTING MACHINE EXAMINERS							62873
The foregoing appropriation item 050-610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners,							62874 62875 62876

and for other expenses that are authorized to be paid from the 62877  
Board of Voting Machine Examiners Fund, which is created in 62878  
section 3506.05 of the Revised Code. Moneys not used shall be 62879  
returned to the person or entity submitting the equipment for 62880  
examination. If it is determined that additional appropriations 62881  
are necessary, such amounts are appropriated. 62882

2005 HAVA VOTING MACHINES 62883

On July 1, 2008, or as soon as possible thereafter, the 62884  
Director of Budget and Management shall transfer any remaining 62885  
unexpended, unencumbered appropriations in Fund 3AS, appropriation 62886  
item 050-616, 2005 HAVA Voting Machines, for use in fiscal year 62887  
2009. The transferred amount is hereby appropriated. 62888

On July 1, 2008, or as soon as possible thereafter, the 62889  
Director of Budget and Management shall transfer any remaining 62890  
unexpended, unencumbered appropriations in Fund 3AH, appropriation 62891  
item 050-614, Election Reform/Health and Human Services Fund, for 62892  
use in fiscal year 2009. The transferred amount is hereby 62893  
appropriated. 62894

Ongoing interest earnings from the federal Election 62895  
Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA 62896  
Voting Machines Fund (Fund 3AS) shall be credited to the 62897  
respective funds and distributed in accordance with the terms of 62898  
the grant under which the money is received. 62899

HOLDING ACCOUNT REDISTRIBUTION GROUP 62900

The foregoing appropriation items 050-605 and 050-606, 62901  
Holding Account Redistribution Fund Group, shall be used to hold 62902  
revenues until they are directed to the appropriate accounts or 62903  
until they are refunded. If it is determined that additional 62904  
appropriations are necessary, such amounts are appropriated. 62905

**Section 395.10. SEN THE OHIO SENATE** 62906

General Revenue Fund				62907	
GRF 020-321 Operating Expenses	\$	11,778,439	\$	11,778,439	62908
TOTAL GRF General Revenue Fund	\$	11,778,439	\$	11,778,439	62909
General Services Fund Group				62910	
102 020-602 Senate Reimbursement	\$	448,465	\$	448,465	62911
409 020-601 Miscellaneous Sales	\$	34,497	\$	34,497	62912
TOTAL GSF General Services				62913	
Fund Group	\$	482,962	\$	482,962	62914
TOTAL ALL BUDGET FUND GROUPS	\$	12,261,401	\$	12,261,401	62915

OPERATING EXPENSES 62916

On July 1, 2007, or as soon as possible thereafter, the Clerk 62917  
of the Senate shall certify to the Director of Budget and 62918  
Management the total fiscal year 2007 unencumbered appropriations 62919  
in appropriation item 020-321, Operating Expenses. The Clerk may 62920  
direct the Director of Budget and Management to transfer an amount 62921  
not to exceed the total fiscal year 2007 unencumbered 62922  
appropriations to fiscal year 2008 for use within appropriation 62923  
item 020-321, Operating Expenses. Additional appropriation 62924  
authority equal to the amount certified by the Clerk is hereby 62925  
appropriated to appropriation item 020-321, Operating Expenses, in 62926  
fiscal year 2008. 62927

On July 1, 2008, or as soon as possible thereafter, the Clerk 62928  
of the Senate shall certify to the Director of Budget and 62929  
Management the total fiscal year 2008 unencumbered appropriations 62930  
in appropriation item 020-321, Operating Expenses. The Clerk may 62931  
direct the Director of Budget and Management to transfer an amount 62932  
not to exceed the total fiscal year 2008 unencumbered 62933  
appropriations to fiscal year 2009 for use within appropriation 62934  
item 020-321, Operating Expenses. Additional appropriation 62935  
authority equal to the amount certified by the Clerk is hereby 62936  
appropriated to appropriation item 020-321, Operating Expenses, in 62937  
fiscal year 2009. 62938

<b>Section 397.10. CSF COMMISSIONERS OF THE SINKING FUND</b>				62939
Debt Service Fund Group				62940
070	155-905	Third Frontier Research & Development Bond Retirement Fund	\$ 14,349,500 \$ 25,023,400	62941
072	155-902	Highway Capital Improvement Bond Retirement Fund	\$ 202,694,900 \$ 205,139,500	62942
073	155-903	Natural Resources Bond Retirement Fund	\$ 24,713,800 \$ 25,723,000	62943
074	155-904	Conservation Projects Bond Service Fund	\$ 14,847,200 \$ 19,779,200	62944
076	155-906	Coal Research and Development Bond Retirement Fund	\$ 7,232,400 \$ 8,192,500	62945
077	155-907	State Capital Improvement Bond Retirement Fund	\$ 178,713,600 \$ 189,296,300	62946
078	155-908	Common Schools Bond Retirement Fund	\$ 292,268,400 \$ 342,148,300	62947
079	155-909	Higher Education Bond Retirement Fund	\$ 175,972,400 \$ 210,372,200	62948
090	155-912	Job Ready Site Development Bond Retirement Fund	\$ 4,359,400 \$ 8,232,500	62949
TOTAL DSF Debt Service Fund Group			\$ 915,151,600 \$ 1,033,906,900	62950
TOTAL ALL BUDGET FUND GROUPS			\$ 915,151,600 \$ 1,033,906,900	62951
ADDITIONAL APPROPRIATIONS				62952
Appropriation items in this section are for the purpose of				62953
paying debt service and financing costs on bonds or notes of the				62954
state issued under the Ohio Constitution and acts of the General				62955

Assembly. If it is determined that additional appropriations are 62956  
 necessary for this purpose, such amounts are hereby appropriated. 62957

**Section 399.10.** SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY 62958  
 DEVELOPMENT FOUNDATION 62959

General Revenue Fund 62960

GRF 945-321 Operating Expenses \$ 0 \$ 475,220 62961

GRF 945-501 Southern Ohio \$ 0 \$ 7,513,251 62962

Agricultural and  
 Community Development  
 Foundation

TOTAL GRF General Revenue Fund \$ 0 \$ 7,988,471 62963

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 7,988,471 62964

SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT 62965  
 FOUNDATION 62966

The foregoing appropriation item 945-321, Operating Expenses, 62967  
 shall be used for the operating expenses of the Southern Ohio 62968  
 Agricultural and Community Development Foundation in administering 62969  
 programs under section 183.15 of the Revised Code. 62970

The foregoing appropriation item 945-501, Southern Ohio 62971  
 Agricultural and Community Development Foundation, shall be used 62972  
 by the Southern Ohio Agricultural and Community Development 62973  
 Foundation for programs administered under section 183.15 of the 62974  
 Revised Code. 62975

**Section 401.10.** SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & 62976  
 AUDIOLOGY 62977

General Services Fund Group 62978

4K9 886-609 Operating Expenses \$ 430,600 \$ 453,000 62979

TOTAL GSF General Services 62980

Fund Group \$ 430,600 \$ 453,000 62981

TOTAL ALL BUDGET FUND GROUPS	\$	430,600	\$	453,000	62982
<b>Section 403.10.</b> BTA BOARD OF TAX APPEALS					62984
General Revenue Fund					62985
GRF 116-321 Operating Expenses	\$	2,247,476	\$	2,281,188	62986
TOTAL GRF General Revenue Fund	\$	2,247,476	\$	2,281,188	62987
TOTAL ALL BUDGET FUND GROUPS	\$	2,247,476	\$	2,281,188	62988
<b>Section 405.10.</b> TAX DEPARTMENT OF TAXATION					62990
General Revenue Fund					62991
GRF 110-321 Operating Expenses	\$	92,040,062	\$	92,440,062	62992
GRF 110-404 Tobacco Settlement	\$	0	\$	328,034	62993
Enforcement					
GRF 110-412 Child Support	\$	71,680	\$	71,680	62994
Administration					
GRF 110-901 Property Tax	\$	446,953,165	\$	478,613,618	62995
Allocation - Taxation					
GRF 110-906 Tangible Tax Exemption	\$	9,177,962	\$	4,588,981	62996
- Taxation					
TOTAL GRF General Revenue Fund	\$	548,242,869	\$	576,042,375	62997
General Services Fund Group					62998
433 110-602 Tape File Account	\$	125,000	\$	140,000	62999
5BQ 110-629 Commercial Activity	\$	6,000,000	\$	6,000,000	63000
Tax Administration					
5W4 110-625 Centralized Tax Filing	\$	400,000	\$	200,000	63001
and Payment					
5W7 110-627 Exempt Facility	\$	100,000	\$	150,000	63002
Administration					
5CZ 110-631 Vendor's License	\$	1,000,000	\$	1,000,000	63003
Application					
TOTAL GSF General Services					63004
Fund Group	\$	7,625,000	\$	7,490,000	63005

State Special Revenue Fund Group				63006
4C6 110-616 International	\$	706,855	\$ 706,855	63007
Registration Plan				
4R6 110-610 Tire Tax	\$	125,000	\$ 150,000	63008
Administration				
435 110-607 Local Tax	\$	17,250,000	\$ 17,250,000	63009
Administration				
436 110-608 Motor Vehicle Audit	\$	1,200,000	\$ 1,200,000	63010
437 110-606 Litter Tax and Natural	\$	675,000	\$ 800,000	63011
Resource Tax				
Administration				
438 110-609 School District Income	\$	3,600,000	\$ 3,600,000	63012
Tax				
5N5 110-605 Municipal Income Tax	\$	500,000	\$ 500,000	63013
Administration				
5N6 110-618 Kilowatt Hour Tax	\$	125,000	\$ 175,000	63014
Administration				
5V7 110-622 Motor Fuel Tax	\$	4,700,000	\$ 5,000,000	63015
Administration				
5V8 110-623 Property Tax	\$	13,500,000	\$ 13,500,000	63016
Administration				
639 110-614 Cigarette Tax	\$	100,000	\$ 100,000	63017
Enforcement				
642 110-613 Ohio Political Party	\$	600,000	\$ 600,000	63018
Distributions				
688 110-615 Local Excise Tax	\$	210,000	\$ 180,000	63019
Administration				
TOTAL SSR State Special Revenue				63020
Fund Group	\$	43,291,855	\$ 43,761,855	63021
Agency Fund Group				63022
095 110-995 Municipal Income Tax	\$	21,000,000	\$ 21,000,000	63023
425 110-635 Tax Refunds	\$	1,565,900,000	\$ 1,546,800,000	63024

TOTAL AGY Agency Fund Group	\$ 1,586,900,000	\$ 1,567,800,000	63025
Holding Account Redistribution Fund Group			63026
R10 110-611 Tax Distributions	\$ 50,000	\$ 50,000	63027
R11 110-612 Miscellaneous Income	\$ 50,000	\$ 50,000	63028
Tax Receipts			
TOTAL 090 Holding Account			63029
Redistribution Fund Group	\$ 100,000	\$ 100,000	63030
TOTAL ALL BUDGET FUND GROUPS	\$ 2,186,159,724	\$ 2,195,194,230	63031

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX 63032  
EXEMPTION 63033

The foregoing appropriation item 110-901, Property Tax 63034  
Allocation - Taxation, is hereby appropriated to pay for the 63035  
state's costs incurred because of the Homestead Exemption, the 63036  
Manufactured Home Property Tax Rollback, and the Property Tax 63037  
Rollback. The Tax Commissioner shall distribute these funds 63038  
directly to the appropriate local taxing districts, except for 63039  
school districts, notwithstanding the provisions in sections 63040  
321.24 and 323.156 of the Revised Code, which provide for payment 63041  
of the Homestead Exemption, the Manufactured Home Property Tax 63042  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 63043  
appropriate county treasurer and the subsequent redistribution of 63044  
these funds to the appropriate local taxing districts by the 63045  
county auditor. 63046

The foregoing appropriation item 110-906, Tangible Tax 63047  
Exemption - Taxation, is hereby appropriated to pay for the 63048  
state's costs incurred because of the tangible personal property 63049  
tax exemption required by division (C)(3) of section 5709.01 of 63050  
the Revised Code. The Tax Commissioner shall distribute to each 63051  
county treasurer the total amount appearing in the notification 63052  
from the county treasurer under division (G) of section 321.24 of 63053  
the Revised Code for all local taxing districts located in the 63054  
county except for school districts, notwithstanding the provision 63055

in section 321.24 of the Revised Code which provides for payment 63056  
of the \$10,000 tangible personal property tax exemption by the Tax 63057  
Commissioner to the appropriate county treasurer for all local 63058  
taxing districts located in the county including school districts. 63059  
The county auditor shall distribute the amount paid by the Tax 63060  
Commissioner among the appropriate local taxing districts except 63061  
for school districts under division (G) of section 321.24 of the 63062  
Revised Code. 63063

Upon receipt of these amounts, each local taxing district 63064  
shall distribute the amount among the proper funds as if it had 63065  
been paid as real or tangible personal property taxes. Payments 63066  
for the costs of administration shall continue to be paid to the 63067  
county treasurer and county auditor as provided for in sections 63068  
319.54, 321.26, and 323.156 of the Revised Code. 63069

Any sums, in addition to the amounts specifically 63070  
appropriated in appropriation items 110-901, Property Tax 63071  
Allocation - Taxation, for the Homestead Exemption, the 63072  
Manufactured Home Property Tax Rollback, and the Property Tax 63073  
Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, 63074  
for the \$10,000 tangible personal property tax exemption payments, 63075  
which are determined to be necessary for these purposes, are 63076  
hereby appropriated. 63077

MUNICIPAL INCOME TAX 63078

The foregoing appropriation item 110-995, Municipal Income 63079  
Tax, shall be used to make payments to municipal corporations 63080  
under section 5745.05 of the Revised Code. If it is determined 63081  
that additional appropriations are necessary to make these 63082  
payments, such amounts are hereby appropriated. 63083

TAX REFUNDS 63084

The foregoing appropriation item 110-635, Tax Refunds, shall 63085  
be used to pay refunds under section 5703.052 of the Revised Code. 63086

If it is determined that additional appropriations are necessary 63087  
for this purpose, such amounts are hereby appropriated. 63088

INTERNATIONAL REGISTRATION PLAN AUDIT 63089

The foregoing appropriation item 110-616, International 63090  
Registration Plan, shall be used under section 5703.12 of the 63091  
Revised Code for audits of persons with vehicles registered under 63092  
the International Registration Plan. 63093

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 63094

Of the foregoing appropriation item 110-607, Local Tax 63095  
Administration, the Tax Commissioner may disburse funds, if 63096  
available, for the purposes of paying travel expenses incurred by 63097  
members of Ohio's delegation to the Streamlined Sales Tax Project, 63098  
as appointed under section 5740.02 of the Revised Code. Any travel 63099  
expense reimbursement paid for by the Department of Taxation shall 63100  
be done in accordance with applicable state laws and guidelines. 63101

LITTER CONTROL TAX ADMINISTRATION FUND 63102

Notwithstanding section 5733.12 of the Revised Code, during 63103  
the period from July 1, 2007, to June 30, 2008, the amount of 63104  
\$675,000, and during the period from July 1, 2008, to June 30, 63105  
2009, the amount of \$800,000, received by the Tax Commissioner 63106  
under Chapter 5733. of the Revised Code, shall be credited to the 63107  
Litter Control Tax Administration Fund (Fund 437). 63108

CENTRALIZED TAX FILING AND PAYMENT FUND 63109

The Director of Budget and Management, under a plan submitted 63110  
by the Tax Commissioner, or as otherwise determined by the 63111  
Director of Budget and Management, shall set a schedule to 63112  
transfer cash from the General Revenue Fund to the credit of the 63113  
Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers 63114  
of cash shall not exceed \$600,000 in the biennium. 63115

COMMERCIAL ACTIVITY TAX ADMINISTRATION FUND 63116

The foregoing appropriation item 110-629, Commercial Activity Tax Administration Fund (Fund 5BQ), shall be used to pay expenses incurred by the Department of Taxation to implement and administer the Commercial Activity Tax under Chapter 5751. of the Revised Code.

Notwithstanding section 3734.9010, division (B)(2)(c) of section 4505.09, division (B) of section 5703.12, section 5703.80, division (C)(6) of section 5727.81, sections 5733.122 and 5735.053, division (C) of section 5739.21, section 5745.03, section 5743.024, section 5743.15, division (C) of section 5747.03, and section 5747.113 of the Revised Code or any other provisions to the contrary, any residual cash balances determined and certified by the Tax Commissioner to the Director of Budget and Management shall be transferred on July 1, 2007, or as soon as possible thereafter, to the Commercial Activities Tax Administration Fund (Fund 5BQ).

**TOBACCO SETTLEMENT ENFORCEMENT**

The foregoing appropriation item 110-404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.

**Section 407.10. DOT DEPARTMENT OF TRANSPORTATION**

Transportation Modes

General Revenue Fund

GRF 775-451	Public Transportation	\$	16,700,000	\$	17,000,000	63141
	- State					
GRF 776-465	Ohio Rail Development	\$	2,700,000	\$	2,700,000	63142
	Commission					
GRF 776-466	Railroad	\$	789,600	\$	789,600	63143
	Crossing/Grade					

Separation			
GRF 777-471	Airport Improvements -	\$ 3,293,985	\$ 1,794,003 63144
State			
TOTAL GRF	General Revenue Fund	\$ 23,483,585	\$ 22,283,603 63145
TOTAL ALL BUDGET FUND GROUPS		\$ 23,483,585	\$ 22,283,603 63146
PUBLIC TRANSPORTATION - STATE			63147
Of the foregoing GRF appropriation item 775-451, Public			
Transportation - State, \$200,000 in fiscal year 2008 shall be used			
for the Cleveland Metropolitan Park District West Creek Project.			
TRANSPORTATION STUDY			63151
Of the foregoing appropriation item 775-451, Public			
Transportation-State, \$50,000 in fiscal year 2008 shall be used			
for a Franklin County school transportation study to determine the			
feasibility of a countywide pupil transportation system.			
AIRPORT IMPROVEMENTS			63156
Of the foregoing appropriation item 777-471, Airport			
Improvements - State, \$1,500,000 in fiscal year 2008 shall be used			
for air travel and support and economic development of statewide			
airports. The Directors of Development and Transportation may			
enter into one or more interagency agreements between their two			
departments as necessary to implement a statewide strategy to			
enhance Ohio's airports as centers of regional economic			
development.			
Of the foregoing appropriation item 777-471, Airport			
Improvements-State, \$1,500,000 in fiscal year 2008 shall be used			
for Cleveland Hopkins Airport projects to support increased			
service and expand the existing hub, as defined in 49 U.S.C.			
40102, Infrastructure.			
<b>Section 409.10.</b> TOS TREASURER OF STATE			63170
General Revenue Fund			63171

GRF 090-321	Operating Expenses	\$	9,313,195	\$	9,313,195	63172
GRF 090-401	Office of the Sinking	\$	537,223	\$	537,223	63173
	Fund					63174
GRF 090-402	Continuing Education	\$	448,843	\$	448,843	63175
GRF 090-524	Police and Fire	\$	14,000	\$	12,000	63176
	Disability Pension					63177
	Fund					
GRF 090-534	Police & Fire Ad Hoc	\$	140,000	\$	130,000	63178
	Cost					
	of Living					63179
GRF 090-554	Police and Fire	\$	910,000	\$	865,000	63180
	Survivor					
	Benefits					63181
GRF 090-575	Police and Fire Death	\$	20,000,000	\$	20,000,000	63182
	Benefits					63183
TOTAL GRF General Revenue Fund		\$	31,363,261	\$	31,306,261	63184
General Services Fund Group						63185
4E9 090-603	Securities Lending	\$	3,164,000	\$	3,314,000	63186
	Income					
577 090-605	Investment Pool	\$	550,000	\$	550,000	63187
	Reimbursement					63188
605 090-609	Treasurer of State	\$	350,000	\$	350,000	63189
	Administrative Fund					63190
TOTAL GSF General Services						63191
Fund Group		\$	4,064,000	\$	4,214,000	63192
State Special Revenue Fund Group						63193
5C5 090-602	County Treasurer	\$	135,000	\$	135,000	63194
	Education					
TOTAL SSR State Special Revenue						63195
Fund Group		\$	135,000	\$	135,000	63196
Agency Fund Group						63197
425 090-635	Tax Refunds	\$	31,000,000	\$	31,000,000	63198

TOTAL Agency Fund Group	\$	31,000,000	\$	31,000,000	63199
TOTAL ALL BUDGET FUND GROUPS	\$	66,562,261	\$	66,655,261	63200

**Section 409.10.10. OFFICE OF THE SINKING FUND** 63202

The foregoing appropriation item 090-401, Office of the 63203  
Sinking Fund, shall be used for financing and other costs incurred 63204  
by or on behalf of the Commissioners of the Sinking Fund, the Ohio 63205  
Public Facilities Commission or its secretary, or the Treasurer of 63206  
State, with respect to State of Ohio general obligation bonds or 63207  
notes, including, but not limited to, printing, advertising, 63208  
delivery, rating fees and the procurement of ratings, professional 63209  
publications, membership in professional organizations, and 63210  
services referred to in division (D) of section 151.01 of the 63211  
Revised Code. The General Revenue Fund shall be reimbursed for 63212  
such costs by intrastate transfer voucher pursuant to a 63213  
certification by the Office of the Sinking Fund of the actual 63214  
amounts used. The amounts necessary to make such reimbursements 63215  
are appropriated from the general obligation bond retirement funds 63216  
created by the Constitution and laws to the extent such costs are 63217  
incurred. 63218

**POLICE AND FIRE DEATH BENEFIT FUND** 63219

The foregoing appropriation item 090-575, Police and Fire 63220  
Death Benefits, shall be disbursed quarterly by the Treasurer of 63221  
State at the beginning of each quarter of each fiscal year to the 63222  
Board of Trustees of the Ohio Police and Fire Pension Fund. The 63223  
Treasurer of State shall certify such amounts quarterly to the 63224  
Director of Budget and Management. By the twentieth day of June of 63225  
each fiscal year, the Board of Trustees of the Ohio Police and 63226  
Fire Pension Fund shall certify to the Treasurer of State the 63227  
amount disbursed in the current fiscal year to make the payments 63228  
required by section 742.63 of the Revised Code and shall return to 63229  
the Treasurer of State moneys received from this appropriation 63230

item but not disbursed.				63231
TAX REFUNDS				63232
The foregoing appropriation item 090-635, Tax Refunds, shall				63233
be used to pay refunds under section 5703.052 of the Revised Code.				63234
If the Director of Budget and Management determines that				63235
additional amounts are necessary for this purpose, such amounts				63236
are hereby appropriated.				63237
<b>Section 411.10.</b> TTA OHIO TUITION TRUST AUTHORITY				63238
State Special Revenue Fund Group				63239
5AM 095-603 Index Savings Plan	\$	2,376,852	\$ 2,425,777	63240
5DC 095-604 Banking Products	\$	1,631,283	\$ 1,648,123	63241
5P3 095-602 Variable College	\$	2,031,354	\$ 2,063,596	63242
Savings Fund				
645 095-601 Operating Expenses	\$	872,086	\$ 881,169	63243
TOTAL SSR State Special Revenue				63244
Fund Group	\$	6,911,575	\$ 7,018,665	63245
TOTAL ALL BUDGET FUND GROUPS	\$	6,911,575	\$ 7,018,665	63246
<b>Section 413.10.</b> OVH OHIO VETERANS' HOME				63248
General Revenue Fund				63249
GRF 430-100 Personal Services	\$	23,085,261	\$ 24,403,903	63250
GRF 430-200 Maintenance	\$	7,835,544	\$ 8,458,613	63251
GRF 430-402 Hall of Fame	\$	125,000	\$ 125,000	63252
TOTAL GRF General Revenue Fund	\$	31,045,805	\$ 32,987,516	63253
General Services Fund Group				63254
484 430-603 Veterans Home Services	\$	375,880	\$ 375,880	63255
TOTAL GSF General Services Fund	\$	375,880	\$ 375,880	63256
Group				
Federal Special Revenue Fund Group				63257
3BX 430-609 Medicare Services	\$	1,446,807	\$ 1,446,807	63258

3L2 430-601	Veterans Home	\$	15,290,320	\$	15,410,471	63259
	Operations - Federal					
TOTAL FED	Federal Special Revenue					63260
Fund Group		\$	16,737,127	\$	16,857,278	63261
State Special Revenue	Fund Group					63262
4E2 430-602	Veterans Home	\$	8,530,800	\$	8,530,800	63263
	Operating					
604 430-604	Veterans Home	\$	770,096	\$	770,096	63264
	Improvement					
TOTAL SSR	State Special Revenue					63265
Fund Group		\$	9,300,896	\$	9,300,896	63266
TOTAL ALL BUDGET	FUND GROUPS	\$	57,459,708	\$	59,521,570	63267
	CORNERSTONE OF HOPE					63268
	Of the foregoing appropriation item 430-100, Personal					63269
	Services, \$100,000 in each fiscal year shall be distributed to					63270
	Cornerstone of Hope to be used to provide professional counseling					63271
	services for individuals who have recently lost family members,					63272
	including the loss of service men and service women in the United					63273
	States Armed Forces.					63274
	<b>Section 415.10. VET VETERANS' ORGANIZATIONS</b>					63275
	General Revenue Fund					63276
	VAP AMERICAN EX-PRISONERS OF WAR					63277
GRF 743-501	State Support	\$	25,030	\$	25,030	63278
	VAN ARMY AND NAVY UNION, USA, INC.					63279
GRF 746-501	State Support	\$	55,012	\$	55,012	63280
	VKW KOREAN WAR VETERANS					63281
GRF 747-501	State Support	\$	49,453	\$	49,453	63282
	VJW JEWISH WAR VETERANS					63283
GRF 748-501	State Support	\$	29,715	\$	29,715	63284
	VCW CATHOLIC WAR VETERANS					63285
GRF 749-501	State Support	\$	57,990	\$	57,990	63286

	VPH MILITARY ORDER OF THE PURPLE HEART			63287
GRF 750-501	State Support	\$ 56,377	\$ 56,377	63288
	VVV VIETNAM VETERANS OF AMERICA			63289
GRF 751-501	State Support	\$ 185,954	\$ 185,954	63290
	VAL AMERICAN LEGION OF OHIO			63291
GRF 752-501	State Support	\$ 302,328	\$ 302,328	63292
	VII AMVETS			63293
GRF 753-501	State Support	\$ 287,919	\$ 287,919	63294
	VAV DISABLED AMERICAN VETERANS			63295
GRF 754-501	State Support	\$ 216,308	\$ 216,308	63296
	VMC MARINE CORPS LEAGUE			63297
GRF 756-501	State Support	\$ 115,972	\$ 115,972	63298
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION			63299
GRF 757-501	State Support	\$ 5,946	\$ 5,946	63300
	VFW VETERANS OF FOREIGN WARS			63301
GRF 758-501	State Support	\$ 246,615	\$ 246,615	63302
TOTAL GRF	General Revenue Fund	\$ 1,634,619	\$ 1,634,619	63303
TOTAL ALL BUDGET FUND GROUPS		\$ 1,634,619	\$ 1,634,619	63304
	RELEASE OF FUNDS			63305
	The foregoing appropriation items 743-501, 746-501, 747-501,			63306
	748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501,			63307
	756-501, 757-501, and 758-501, State Support, shall be released			63308
	upon approval by the Director of Budget and Management.			63309
	CENTRAL OHIO UNITED SERVICES ORGANIZATION			63310
	Of the foregoing appropriation item 751-501, State Support,			63311
	Vietnam Veterans of America, \$50,000 in each fiscal year shall be			63312
	used to support the activities of the Central Ohio USO.			63313
	VAL AMERICAN LEGION OF OHIO			63314
	Of the foregoing appropriation item 752-501, State Support,			63315
	VAL American Legion, at least \$50,000 in each fiscal year shall be			63316
	used to fund service officer expenses.			63317

VETERANS SERVICE COMMISSION EDUCATION	63318
Of the foregoing appropriation item 753-501, State Support,	63319
AMVETS, up to \$20,000 in each fiscal year may be used to provide	63320
moneys to the Association of County Veterans Service Commissioners	63321
to reimburse its member county veterans service commissions for	63322
costs incurred in carrying out educational and outreach duties	63323
required under divisions (E) and (F) of section 5901.03 of the	63324
Revised Code. The Director of Budget and Management shall release	63325
these funds upon the presentation of an itemized receipt, approved	63326
by the Governor's Office of Veterans Affairs, from the association	63327
for reasonable and appropriate expenses incurred while performing	63328
these duties. The association shall establish uniform procedures	63329
for reimbursing member commissions.	63330
VII AMVETS	63331
Of the foregoing appropriation item 753-501, State Support,	63332
AMVETS, at least \$50,000 shall be used in each fiscal year to fund	63333
service officer expenses.	63334
VAV DISABLED AMERICAN VETERANS	63335
Of the foregoing appropriation item 754-501, State Support,	63336
VAV Disabled American Veterans, at least \$50,000 in each fiscal	63337
year shall be used to fund service officer expenses.	63338
VMC MARINE CORPS LEAGUE	63339
Of the foregoing appropriation item 756-501, State Support,	63340
VMC Marine Corps League, at least \$30,000 in each fiscal year	63341
shall be used to fund service officer expenses.	63342
VFW VETERANS OF FOREIGN WARS	63343
Of the foregoing appropriation item 758-501, State Support,	63344
VFW Veterans of Foreign Wars, at least \$50,000 in each fiscal year	63345
shall be used to fund service officer expenses.	63346

<b>Section 417.10. DVM STATE VETERINARY MEDICAL BOARD</b>				63347
General Services Fund Group				63348
4K9 888-609 Operating Expenses	\$	322,740	\$ 327,312	63349
5BU 888-602 Veterinary Student	\$	60,000	\$ 0	63350
Loan Program				
TOTAL GSF General Services				63351
Fund Group	\$	382,740	\$ 327,312	63352
TOTAL ALL BUDGET FUND GROUPS	\$	382,740	\$ 327,312	63353
 <b>Section 419.10. DYS DEPARTMENT OF YOUTH SERVICES</b>				63355
General Revenue Fund				63356
GRF 470-401 RECLAIM Ohio	\$	186,338,297	\$ 190,599,131	63357
GRF 470-412 Lease Rental Payments	\$	23,832,700	\$ 23,483,700	63358
GRF 470-510 Youth Services	\$	18,558,587	\$ 18,558,587	63359
GRF 472-321 Parole Operations	\$	15,356,904	\$ 15,764,729	63360
GRF 477-321 Administrative	\$	14,754,420	\$ 14,754,419	63361
Operations				
TOTAL GRF General Revenue Fund				63362
General Services Fund Group				63363
175 470-613 Education	\$	9,985,035	\$ 10,550,725	63364
Reimbursement				
4A2 470-602 Child Support	\$	328,657	\$ 328,657	63365
4G6 470-605 General Operational	\$	49,713	\$ 50,955	63366
Funds				
4G6 470-631 SCALE Program	\$	100,000	\$ 100,000	63367
479 470-609 Employee Food Service	\$	137,666	\$ 137,666	63368
5BN 470-629 E-Rate Program	\$	200,000	\$ 200,000	63369
TOTAL GSF General Services				63370
Fund Group	\$	10,801,071	\$ 11,368,003	63371
Federal Special Revenue Fund Group				63372
3BH 470-630 Federal Juvenile	\$	100,000	\$ 50,000	63373

		Programs FFY 06					
3BT	470-634	Federal Juvenile	\$	300,000	\$	50,000	63374
		Programs					
3BY	470-635	Federal Juvenile	\$	903,350	\$	350,000	63375
		Programs FFY 07					
3BZ	470-636	Federal Juvenile	\$	0	\$	653,350	63376
		Programs FFY 08					
3V5	470-604	Juvenile	\$	2,750,000	\$	2,750,000	63377
		Justice/Delinquency					
		Prevention					
3Z9	470-626	Federal Juvenile	\$	142,253	\$	0	63378
		Programs FFY 05					
321	470-601	Education	\$	5,202,160	\$	5,473,109	63379
321	470-603	Juvenile Justice	\$	51,000	\$	30,000	63380
		Prevention					
321	470-606	Nutrition	\$	2,908,369	\$	2,981,078	63381
321	470-610	Rehabilitation	\$	36,000	\$	36,000	63382
		Programs					
321	470-614	Title IV-E	\$	6,162,670	\$	6,316,737	63383
		Reimbursements					
321	470-617	Americorps Programs	\$	463,700	\$	463,700	63384
321	470-633	Project Re-entry	\$	1,017,843	\$	1,017,843	63385
TOTAL FED		Federal Special Revenue					63386
Fund Group			\$	20,037,345	\$	20,171,817	63387
		State Special Revenue Fund Group					63388
147	470-612	Vocational Education	\$	2,074,710	\$	2,141,823	63389
5BH	470-628	Partnerships for	\$	1,500,000	\$	1,500,000	63390
		Success					
TOTAL SSR		State Special Revenue					63391
Fund Group			\$	3,574,710	\$	3,641,823	63392
TOTAL ALL BUDGET FUND GROUPS			\$	293,254,034	\$	298,342,209	63393
		RECLAIM OHIO					63394

Of the foregoing appropriation item 470-401, RECLAIM Ohio, 63395  
\$25,000 in each fiscal year shall be distributed directly to the 63396  
Lighthouse Youth Services Wrap-Around Program. 63397

OHIO BUILDING AUTHORITY LEASE PAYMENTS 63398

The foregoing appropriation item 470-412, Lease Rental 63399  
Payments, in the Department of Youth Services, shall be used to 63400  
meet all payments to the Ohio Building Authority for the period 63401  
from July 1, 2007, to June 30, 2009, under the leases and 63402  
agreements for facilities made under Chapter 152. of the Revised 63403  
Code. This appropriation is the source of funds pledged for bond 63404  
service charges on related obligations issued pursuant to Chapter 63405  
152. of the Revised Code. 63406

EDUCATION REIMBURSEMENT 63407

The foregoing appropriation item 470-613, Education 63408  
Reimbursement, shall be used to fund the operating expenses of 63409  
providing educational services to youth supervised by the 63410  
Department of Youth Services. Operating expenses include, but are 63411  
not limited to, teachers' salaries, maintenance costs, and 63412  
educational equipment. This appropriation item may be used for 63413  
capital expenses related to the education program. 63414

EMPLOYEE FOOD SERVICE AND EQUIPMENT 63415

Notwithstanding section 125.14 of the Revised Code, the 63416  
foregoing appropriation item 470-609, Employee Food Service, may 63417  
be used to purchase any food operational items with funds received 63418  
into the fund from reimbursement for state surplus property. 63419

**Section 503.03. PERSONAL SERVICE EXPENSES** 63420

Unless otherwise prohibited by law, any appropriation from 63421  
which personal service expenses are paid shall bear the employer's 63422  
share of public employees' retirement, workers' compensation, 63423  
disabled workers' relief, and all group insurance programs; the 63424

costs of centralized accounting, centralized payroll processing, 63425  
and related personnel reports and services; the cost of the Office 63426  
of Collective Bargaining; the cost of the Employee Assistance 63427  
Program; the cost of the affirmative action and equal employment 63428  
opportunity programs administered by the Department of 63429  
Administrative Services; the costs of interagency information 63430  
management infrastructure; and the cost of administering the state 63431  
employee merit system as required by section 124.07 of the Revised 63432  
Code. These costs shall be determined in conformity with the 63433  
appropriate sections of law and paid in accordance with procedures 63434  
specified by the Office of Budget and Management. Expenditures 63435  
from appropriation item 070-601, Public Audit Expense - Local 63436  
Government, in Fund 422 may be exempted from the requirements of 63437  
this section. 63438

**Section 503.06. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 63439  
**AGAINST THE STATE** 63440

Except as otherwise provided in this section, an 63441  
appropriation in this act or any other act may be used for the 63442  
purpose of satisfying judgments, settlements, or administrative 63443  
awards ordered or approved by the Court of Claims or by any other 63444  
court of competent jurisdiction in connection with civil actions 63445  
against the state. This authorization does not apply to 63446  
appropriations to be applied to or used for payment of guarantees 63447  
by or on behalf of the state, or for payments under lease 63448  
agreements relating to, or debt service on, bonds, notes, or other 63449  
obligations of the state. Notwithstanding any other statute to the 63450  
contrary, this authorization includes appropriations from funds 63451  
into which proceeds of direct obligations of the state are 63452  
deposited only to the extent that the judgment, settlement, or 63453  
administrative award is for, or represents, capital costs for 63454  
which the appropriation may otherwise be used and is consistent 63455  
with the purpose for which any related obligations were issued or 63456

entered into. Nothing contained in this section is intended to 63457  
subject the state to suit in any forum in which it is not 63458  
otherwise subject to suit, and is not intended to waive or 63459  
compromise any defense or right available to the state in any suit 63460  
against it. 63461

**Section 503.09. CAPITAL PROJECT SETTLEMENTS** 63462

This section specifies an additional and supplemental 63463  
procedure to provide for payments of judgments and settlements if 63464  
the Director of Budget and Management determines, pursuant to 63465  
division (C)(4) of section 2743.19 of the Revised Code, that 63466  
sufficient unencumbered moneys do not exist in the particular 63467  
appropriation to pay the amount of a final judgment rendered 63468  
against the state or a state agency, including the settlement of a 63469  
claim approved by a court, in an action upon and arising out of a 63470  
contractual obligation for the construction or improvement of a 63471  
capital facility if the costs under the contract were payable in 63472  
whole or in part from a state capital projects appropriation. In 63473  
such a case, the director may either proceed pursuant to division 63474  
(C)(4) of section 2743.19 of the Revised Code or apply to the 63475  
Controlling Board to increase an appropriation or create an 63476  
appropriation out of any unencumbered moneys in the state treasury 63477  
to the credit of the capital projects fund from which the initial 63478  
state appropriation was made. The Controlling Board may approve or 63479  
disapprove the application as submitted or modified. The amount of 63480  
an increase in appropriation or new appropriation specified in an 63481  
application approved by the Controlling Board is hereby 63482  
appropriated from the applicable capital projects fund and made 63483  
available for the payment of the judgment or settlement. 63484

If the director does not make the application authorized by 63485  
this section or the Controlling Board disapproves the application, 63486  
and the director does not make application under division (C)(4) 63487

of section 2743.19 of the Revised Code, the director shall for the 63488  
purpose of making that payment make a request to the General 63489  
Assembly as provided for in division (C)(5) of that section. 63490

**Section 503.12. RE-ISSUANCE OF VOIDED WARRANTS** 63491

In order to provide funds for the reissuance of voided 63492  
warrants under section 117.47 of the Revised Code, there is hereby 63493  
appropriated, out of moneys in the state treasury from the fund 63494  
credited as provided in section 117.47 of the Revised Code, that 63495  
amount sufficient to pay such warrants when approved by the Office 63496  
of Budget and Management. 63497

**Section 503.15. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 63498  
**BALANCES OF OPERATING APPROPRIATIONS** 63499

Except for amounts of \$1,000,000 or more that are encumbered 63500  
for program subsidy payments, which the Director of Budget and 63501  
Management must submit to the Controlling Board for approval, an 63502  
unexpended balance of an operating appropriation or 63503  
reappropriation that a state agency lawfully encumbered prior to 63504  
the close of a fiscal year is reappropriated on the first day of 63505  
July of the following fiscal year from the fund from which it was 63506  
originally appropriated or reappropriated for the following period 63507  
and shall remain available only for the purpose of discharging the 63508  
encumbrance: 63509

(A) For an encumbrance for personal services, maintenance, 63510  
equipment, or items for resale, other than an encumbrance for an 63511  
item of special order manufacture not available on term contract 63512  
or in the open market or for reclamation of land or oil and gas 63513  
wells for a period of not more than five months from the end of 63514  
the fiscal year; 63515

(B) For an encumbrance for an item of special order 63516  
manufacture not available on term contract or in the open market, 63517

for a period of not more than five months from the end of the 63518  
fiscal year or, with the written approval of the Director of 63519  
Budget and Management, for a period of not more than twelve months 63520  
from the end of the fiscal year; 63521

(C) For an encumbrance for reclamation of land or oil and gas 63522  
wells, for a period ending when the encumbered appropriation is 63523  
expended or for a period of two years, whichever is less; 63524

(D) For an encumbrance for any other expense, for such period 63525  
as the director approves, provided such period does not exceed two 63526  
years. 63527

Any operating appropriations for which unexpended balances 63528  
are reappropriated beyond a five-month period from the end of the 63529  
fiscal year by division (B) of this section shall be reported to 63530  
the Controlling Board by the Director of Budget and Management by 63531  
the thirty-first day of December of each year. The report on each 63532  
such item shall include the item, the cost of the item, and the 63533  
name of the vendor. The report shall be updated on a quarterly 63534  
basis for encumbrances remaining open. 63535

Upon the expiration of the reappropriation period set out in 63536  
divisions (A), (B), (C), or (D) of this section, a reappropriation 63537  
made by this section lapses, and the Director of Budget and 63538  
Management shall cancel the encumbrance of the unexpended 63539  
reappropriation not later than the end of the weekend following 63540  
the expiration of the reappropriation period. 63541

Notwithstanding the preceding paragraph, with the approval of 63542  
the Director of Budget and Management, an unexpended balance of an 63543  
encumbrance that was reappropriated on the first day of July by 63544  
this section for a period specified in division (C) or (D) of this 63545  
section and that remains encumbered at the close of the fiscal 63546  
biennium is hereby reappropriated on the first day of July of the 63547  
following fiscal biennium from the fund from which it was 63548

originally appropriated or reappropriated for the applicable 63549  
period specified in division (C) or (D) of this section and shall 63550  
remain available only for the purpose of discharging the 63551  
encumbrance. 63552

The Director of Budget and Management may correct accounting 63553  
errors committed by the staff of the Office of Budget and 63554  
Management, such as re-establishing encumbrances or appropriations 63555  
cancelled in error, during the cancellation of operating 63556  
encumbrances in November and of nonoperating encumbrances in 63557  
December. 63558

If the Controlling Board approved a purchase, that approval 63559  
remains in effect so long as the appropriation used to make that 63560  
purchase remains encumbered. 63561

**Section 503.18.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 63562  
RE-ESTABLISHMENT OF ENCUMBRANCES 63563

Any cash transferred by the Director of Budget and Management 63564  
under section 126.15 of the Revised Code is hereby appropriated. 63565  
Any amounts necessary to re-establish appropriations or 63566  
encumbrances under section 126.15 of the Revised Code are hereby 63567  
appropriated. 63568

**Section 503.21.** INCOME TAX DISTRIBUTION TO COUNTIES 63569

There are hereby appropriated out of any moneys in the state 63570  
treasury to the credit of the General Revenue Fund, which are not 63571  
otherwise appropriated, funds sufficient to make any payment 63572  
required by division (B)(2) of section 5747.03 of the Revised 63573  
Code. 63574

**Section 503.24.** EXPENDITURES AND APPROPRIATION INCREASES 63575  
APPROVED BY THE CONTROLLING BOARD 63576

Any money that the Controlling Board approves for expenditure 63577

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, 2009.

**Section 503.27.** FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE

If the Governor's Residence Fund (Fund 4H2) receives payment for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100-604, Governor's Residence Gift.

**Section 506.03.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS

The maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code are as follows:

	FY 2008	FY 2009	
Department of Agriculture			
Fund 4E4 Utility Radiological Safety	\$73,059	\$73,059	
Department of Health			
Fund 610 Radiation Emergency Response	\$850,000	\$850,000	
Environmental Protection Agency			
Fund 644 ER Radiological Safety	\$286,114	\$286,114	
Emergency Management Agency			
Fund 657 Utility Radiological Safety	\$1,260,000	\$1,260,000	

**Section 512.03.** TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS

Notwithstanding any other provision of law to the contrary, during fiscal years 2008 and 2009, the Director of Budget and Management is hereby authorized to transfer cash from non-General Revenue Fund funds that are not constitutionally restricted to the

General Revenue Fund. The total amount of cash transfers made 63607  
pursuant to this section to the General Revenue Fund during fiscal 63608  
years 2008 and 2009 shall not exceed \$70,000,000. 63609

**Section 512.06.** TRANSFERS TO THE GENERAL REVENUE FUND OF 63610  
INTEREST EARNED 63611

Notwithstanding any provision of Ohio law to the contrary, 63612  
the Director of Budget and Management, through June 30, 2009, may 63613  
transfer interest earned by any fund in the Central Accounting 63614  
System to the General Revenue Fund. Subsequent to the making of 63615  
such transfers, the Director of Budget and Management shall 63616  
provide a report to the Controlling Board at its next regularly 63617  
scheduled meeting detailing the funds from which the interest 63618  
earned was transferred to the General Revenue Fund and the amount 63619  
of interest earnings transferred from each of those funds. This 63620  
section does not apply to funds whose source of revenue is 63621  
restricted or protected by the Constitution of this state, federal 63622  
tax law, or the "Cash Management Improvement Act of 1990" 104 63623  
Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended. 63624

**Section 512.07.** CASH TRANSFERS FROM REPARATIONS FUND (Fund 63625  
402) TO DISASTER PREPAREDNESS FUND (Fund 5EX) 63626

Notwithstanding any other provision of law to the contrary, 63627  
on the first day of July in each of years 2007 and 2008, or as 63628  
soon as practicable thereafter in each of those years, the 63629  
Director of Budget and Management shall transfer \$350,000 in cash 63630  
from the Reparations Fund (Fund 402) to the Disaster Preparedness 63631  
Fund (Fund 5EX). 63632

**Section 512.09.** CORPORATE AND UCC FILING FUND TRANSFER TO GRF 63633

Not later than the first day of June in each year of the 63634  
biennium, the Director of Budget and Management shall transfer 63635

\$500,000 from the Corporate and Uniform Commercial Code Filing Fund to the General Revenue Fund. 63636  
63637

**Section 512.21.** GRF TRANSFER TO FUND 5N4, OAKS PROJECT IMPLEMENTATION 63638  
63639

On July 1, 2007, or as soon thereafter as possible, the Director of Budget and Management shall transfer an amount not to exceed \$2,200,725 in cash from the General Revenue Fund to Fund 5N4, OAKS Project Implementation. On July 1, 2008, or as soon thereafter as possible, the Director of Budget and Management shall transfer an amount not to exceed \$2,092,779 in cash from the General Revenue Fund to Fund 5N4, OAKS Project Implementation. 63640  
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**Section 512.31.** TEMPORARY TRANSFER TO THE OAKS SUPPORT ORGANIZATION FUND 63647  
63648

Notwithstanding any provision of law to the contrary, in fiscal year 2008, the Director of Budget and Management may transfer an amount not to exceed \$1,000,000 in cash from the Human Resources Services Fund (Fund 125) to the OAKS Support Organization Fund (Fund 5EB). These amounts shall support the establishment of the OAKS Support Organization. Amounts transferred to the OAKS Support Organization Fund and interest earnings on these amounts transferred during fiscal year 2008 shall be returned to the Human Resources Services Fund not later than January 1, 2008. Upon certification of the total amount transferred from Fund 125 to Fund 5EB, the Director of Budget and Management shall transfer cash in the amount certified from Fund 5EB to Fund 125. 63649  
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**Section 512.34.** TRANSFER FROM EDUCATION FACILITIES ENDOWMENT FUND 63662  
63663

Notwithstanding division (G) of section 183.27 of the Revised 63664

Code, the Director of Budget and Management shall transfer 63665  
\$40,000,000 cash in fiscal year 2008 from the Education Facilities 63666  
Endowment Fund (Fund P87) to the Public School Building Fund (Fund 63667  
021). The amounts transferred are hereby appropriated to the Ohio 63668  
School Facilities Commission for the purposes of appropriation 63669  
item CAP-622, Public School Buildings. 63670

**Section 512.37. TRANSFER TO ENERGY STRATEGY DEVELOPMENT FUND** 63671

On July 1, 2007, and on July 1, 2008, or as soon thereafter 63672  
as possible, the Director of Budget and Management may transfer 63673  
cash from the funds specified below, in the amount specified 63674  
below, to the Energy Strategy Development Fund, which is hereby 63675  
created in the state treasury. The fund may accept contributions 63676  
and transfers made to the fund. The funds shall be used to develop 63677  
energy initiatives, projects, and policy. 63678

<u>Agency</u>	<u>Fund</u>	<u>FY 2008</u>	<u>FY 2009</u>	
Department of Administrative Services	117	\$35,000	\$35,000	63679 63680
Department of Agriculture	3J4	\$35,000	\$35,000	63681
Department of Development	4H4	\$32,447	\$0	63682
Department of Development	135	\$0	\$35,000	63683
Environmental Protection Agency	219	\$35,000	\$35,000	63684
Department of Natural Resources	157	\$35,000	\$35,000	63685
Department of Transportation	002	\$50,000	\$50,000	63686

**Section 512.38. CASH TRANSFER FROM AUTOMATED TITLE PROCESSING FUND TO TITLE DEFECT RESCISSION FUND** 63687  
63688

Notwithstanding any other provision of law to the contrary, 63689  
on July 1, 2007, or as soon as practicable thereafter, the 63690  
Director of Budget and Management shall transfer \$1,000,000 in 63691  
cash from the Automated Title Processing Fund (Fund 849) to the 63692  
Title Defect Rescission Fund (Fund 4Y7). 63693

**Section 512.41.** For purposes of sections 109.93, 111.18, and 173.85 of the Revised Code, as amended by this act, the Director of Budget and Management, in collaboration with the Treasurer of State, may take any action necessary to establish funds in the state treasury that were previously held in the custody of the Treasurer of State, including, but not limited to, the transfer of cash from the custodial funds to the state treasury and the establishment of appropriations and encumbrances to support outstanding obligations. The amounts necessary to support outstanding obligations are hereby appropriated. Agencies may request additional appropriation authority, but it shall be subject to approval by the Controlling Board.

**Section 515.06.** TRANSFER OF PRINTING SERVICES FROM THE OFFICE OF INFORMATION TECHNOLOGY

Effective July 1, 2007, or the earliest date thereafter agreed to by the Director of Budget and Management and the Director of Administrative Services, the Office of Information Technology printing office currently located on Integrity Drive in Columbus shall become part of the Department of Administrative Services. The functions, assets, and liabilities, including, but not limited to, records, regardless of form or medium, leases, and contracts, of the printing office are transferred to the Department of Administrative Services. The Department of Administrative Services is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the printing office. The functions of the printing office are thereupon and thereafter transferred to the Department of Administrative Services.

Any business commenced but not completed by the printing office by the date of the transfer shall be completed by the Department of Administrative Services, in the same manner, and

with the same effect, as if completed by the printing office. No 63725  
validation, cure, right, privilege, remedy, obligation, or 63726  
liability is lost or impaired by reason of the transfer and shall 63727  
be administered by the Department of Administrative Services. All 63728  
the printing office's rules, orders, and determinations continue 63729  
in effect as rules, orders, and determinations of the Department 63730  
of Administrative Services, until modified or rescinded by the 63731  
Department of Administrative Services. If necessary to ensure the 63732  
integrity of the Administrative Code rule numbering system, the 63733  
Director of the Legislative Service Commission shall renumber the 63734  
printing office's rules to reflect their transfer to the 63735  
Department of Administrative Services. 63736

Employees of the Office of Information Technology designated 63737  
as staff in the printing office shall be transferred to the 63738  
Department of Administrative Services. Subject to the layoff 63739  
provisions of sections 124.321 to 124.328 of the Revised Code, the 63740  
layoff provisions of the contract between the state and all 63741  
bargaining units affected, the employees transferred to the 63742  
Department of Administrative Services retain their positions and 63743  
all benefits accruing thereto. 63744

No judicial or administrative action or proceeding to which 63745  
the printing office is a party that is pending on July 1, 2007, or 63746  
such later date as may be established by the Director of the 63747  
Office of Information Technology and the Director of 63748  
Administrative Services, is affected by the transfer of functions. 63749  
The action or proceeding shall be prosecuted or defended in the 63750  
name of the Director of Administrative Services. On application to 63751  
the court or agency, the Director of Administrative Services shall 63752  
be substituted for the Director of the Office of Information 63753  
Technology as a party to the action or proceeding. 63754

On and after July 1, 2007, notwithstanding any provision of 63755  
law to the contrary, the Director of Budget and Management shall 63756

take the actions with respect to budget changes made necessary by 63757  
the transfer, including administrative reorganization, program 63758  
transfers, the creation of new funds, and the consolidation of 63759  
funds as authorized by this section. The Director of Budget and 63760  
Management may cancel encumbrances and re-establish encumbrances 63761  
or parts of encumbrances as needed in fiscal year 2008 in the 63762  
appropriate fund and appropriation item for the same purpose and 63763  
for payment to the same vendor. The Director of Budget and 63764  
Management as determined necessary, may re-establish encumbrances 63765  
in fiscal year 2008 in a different fund or appropriation item in 63766  
an agency or between agencies. The re-established encumbrances are 63767  
hereby appropriated. The Director of Budget and Management shall 63768  
reduce each year's appropriation balances by the amount of the 63769  
encumbrance canceled in their respective funds and appropriation 63770  
items. 63771

Not later than sixty days after the transfer of the printing 63772  
office to the Department of Administrative Services, the Director 63773  
of the Office of Information Technology shall certify to the 63774  
Director of Budget and Management the amount of cash associated 63775  
with printing services supported by Fund 133, IT Services Delivery 63776  
Fund. Upon receipt of the certification, the Director of Budget 63777  
and Management shall transfer cash from Fund 133, IT Services 63778  
Delivery Fund, to Fund 210, State Printing Fund. This amount is 63779  
hereby appropriated. 63780

**Section 515.09.** TRANSFER OF MAIL AND FULFILLMENT SERVICES 63781  
FROM THE DEPARTMENT OF JOB AND FAMILY SERVICES 63782

Effective July 1, 2007, or the earliest date thereafter 63783  
agreed to by the Director of Job and Family Services and the 63784  
Director of Administrative Services, the Department of Job and 63785  
Family Services mail and fulfillment office, currently located on 63786  
Integrity Drive in Columbus shall become part of the Department of 63787

Administrative Services. The functions, assets, and liabilities, 63788  
including, but not limited to, records, regardless of form or 63789  
medium, leases, and contracts, of the mail and fulfillment office 63790  
is transferred to the Department of Administrative Services. The 63791  
Department of Administrative Services is thereupon and thereafter 63792  
successor to, assumes the obligations of, and otherwise 63793  
constitutes the continuation of the mail and fulfillment office. 63794  
The functions of the mail and fulfillment office are thereupon and 63795  
thereafter transferred to the Department of Administrative 63796  
Services. 63797

Any business commenced but not completed by the mail and 63798  
fulfillment office by the date of transfer shall be completed by 63799  
the Department of Administrative Services, in the same manner, and 63800  
with the same effect, as if completed by the mail and fulfillment 63801  
office. No validation, cure, right, privilege, remedy, obligation, 63802  
or liability is lost or impaired by reason of the transfer and 63803  
shall be administered by the Department of Administrative 63804  
Services. All of the mail and fulfillment office's rules, orders, 63805  
and determinations continue in effect as rules, orders, and 63806  
determinations of the Department of Administrative Services, until 63807  
modified or rescinded by the Department of Administrative 63808  
Services. If necessary to ensure the integrity of the 63809  
Administrative Code rule numbering system, the Director of the 63810  
Legislative Service Commission shall renumber the mail and 63811  
fulfillment office's rules to reflect their transfer to the 63812  
Department of Administrative Services. 63813

Employees of the Department of Job and Family Services 63814  
designated as staff in the mail and fulfillment office shall be 63815  
transferred to the Department of Administrative Services. Subject 63816  
to the layoff provisions of sections 124.321 to 124.328 of the 63817  
Revised Code, and to provisions of the contract between the state 63818  
and all bargaining units affected, the employees transferred to 63819

the Department of Administrative Services retain their positions 63820  
and all benefits accruing thereto. 63821

No judicial or administrative action or proceeding to which 63822  
the mail and fulfillment office is a party that is pending on July 63823  
1, 2007, or such later date as may be established by the Director 63824  
of Job and Family Services and the Director of Administrative 63825  
Services, is affected by the transfer of functions. The action or 63826  
proceeding shall be prosecuted or defended in the name of the 63827  
Director of Administrative Services. On application to the court 63828  
or agency, the Director of Administrative Services shall be 63829  
substituted for the Director of Job and Family Services as a party 63830  
to the action or proceeding. 63831

On and after July 1, 2007, notwithstanding any provision of 63832  
law to the contrary, the Director of Budget and Management shall 63833  
take the actions with respect to budget changes made necessary by 63834  
the transfer, including administrative reorganization, program 63835  
transfers, the creation of new funds, and the consolidation of 63836  
funds as authorized by this section. The Director of Budget and 63837  
Management may cancel encumbrances and re-establish encumbrances 63838  
or parts of encumbrances as needed in fiscal year 2008 in the 63839  
appropriate fund and appropriation item for the same purpose and 63840  
for payment to the same vendor. The Director of Budget and 63841  
Management, as determined necessary, may re-establish encumbrances 63842  
in fiscal year 2008 in a different fund or appropriation item in 63843  
an agency or between agencies. The re-established encumbrances are 63844  
hereby appropriated. The Director of Budget and Management shall 63845  
reduce each year's appropriation balances by the amount of the 63846  
encumbrance canceled in their respective funds and appropriation 63847  
items. 63848

The Director of Job and Family Services and the Director of 63849  
Administrative Services shall enter into an interagency agreement 63850  
establishing terms and timetables for the implementation of this 63851

section. The interagency agreement shall include provisions for 63852  
credits to the Department of Job and Family Services for prepaid 63853  
postage, agreements for the credit, transfer, or reimbursement of 63854  
funds to the Department of Job and Family Services to comply with 63855  
terms and conditions applicable to federal funds expended by the 63856  
department for the purchase, maintenance, and operation of 63857  
equipment, agreements for ongoing operations in compliance with 63858  
federal requirements applicable to Department of Job and Family 63859  
Services programs that utilize the mail and fulfillment services, 63860  
transfer of or sharing of lease agreements, and any other 63861  
agreements that the Director of Job and Family Services and the 63862  
Director of Administrative Services determine to be necessary for 63863  
the successful implementation of this section. 63864

Not later than sixty days after the transfer of the mail and 63865  
fulfillment office to the Department of Administrative Services, 63866  
the Director of Job and Family Services shall certify to the 63867  
Director of Budget and Management the amount of any unexpended 63868  
balance of appropriations made to the department to support the 63869  
office. Upon receipt of the certification, the Director of Budget 63870  
and Management shall transfer the appropriations and cash to Fund 63871  
210, State Printing Fund. 63872

**Section 518.03. BUDGET ADJUSTMENTS TO REFLECT TOBACCO 63873**  
SECURITIZATION 63874

(A) Notwithstanding any other provision of law to the 63875  
contrary, the Director of Budget and Management, periodically on 63876  
any date following the issuance of the tobacco obligations 63877  
authorized in section 183.51 of the Revised Code and through June 63878  
30, 2009, may: 63879

(1) Determine the amount of appropriation items 235-909, 63880  
Higher Education General Obligation Debt Service, and 230-908, 63881  
Common Schools General Obligation Debt Service, that are in excess 63882

of the amounts needed to pay all debt service and financing costs 63883  
on those obligations payable from each of those items and transfer 63884  
all or any portion of that excess appropriation to appropriation 63885  
item 200-901, Property Tax Allocation-Education, or 110-901, 63886  
Property Tax Allocation-Taxation, or both together as needed for 63887  
the purposes of making the state's property tax relief payments to 63888  
school districts and counties. 63889

(2) Determine the amount by which interest earnings credited 63890  
to Fund 034, Higher Education Improvement Fund, and Fund 032, 63891  
School Building Program Assistance Fund, from the investment of 63892  
the net proceeds of those tobacco obligations exceed the amount 63893  
needed to satisfy appropriations from those funds, transfer all or 63894  
part of that excess cash balance to the General Revenue Fund, and 63895  
increase appropriation item 200-901, Property Tax 63896  
Allocation-Education, or 110-901, Property Tax 63897  
Allocation-Taxation, or both together, by up to the amount of cash 63898  
so transferred to the General Revenue Fund. 63899

(3) Determine the amount of capital appropriation in CAP-770, 63900  
School Building Assistance Program, transfer cash to Fund 5E3, 63901  
School Facilities Commission, an amount that is necessary to fully 63902  
expend the amount of net proceeds deposited into Fund 032, School 63903  
Building Program Assistance Fund, from the issuance of those 63904  
tobacco obligations and increase the appropriations for CAP-770 63905  
and appropriation item 230-644, Operating Expenses-School 63906  
Facilities Commission, by the necessary amount. 63907

(4) Determine the amount of additional capital appropriations 63908  
necessary to fully expend the amount of net proceeds deposited 63909  
from the issuance of those tobacco obligations into Fund 034, 63910  
Higher Education Improvement Fund. 63911

(5) Reduce the amount of authorization to issue and sell 63912  
general obligations to pay the costs of capital facilities for a 63913  
system of common schools throughout the state granted to the Ohio 63914

Public Facilities Commission by prior acts of the General Assembly 63915  
to reflect the amount of net proceeds of those tobacco obligations 63916  
deposited into Fund 034, Higher Education Improvement Fund, that 63917  
are intended to replace general obligations for the purpose. 63918

(6) Reduce the amount of authorization to issue and sell 63919  
general obligations to pay the costs of capital facilities for 63920  
state-supported and state-assisted institutions of higher 63921  
education granted to the Ohio Public Facilities Commission by 63922  
prior acts of the General Assembly to reflect the amount of net 63923  
proceeds of those tobacco obligations deposited into Fund 034, 63924  
Higher Education Improvement Fund, that are intended to replace 63925  
general obligations for the purpose. 63926

(B) When any of the determinations, transfers, and increases 63927  
or decreases in appropriations and authorizations described in 63928  
division (A) of this section have been completed, the Office of 63929  
Budget and Management shall make a report to the Controlling Board 63930  
at its next regularly scheduled meeting. 63931

**Section 518.06. GENERAL OBLIGATION DEBT SERVICE PAYMENTS** 63932

Certain appropriations are in this act for the purpose of 63933  
paying debt service and financing costs on general obligation 63934  
bonds or notes of the state issued pursuant to the Ohio 63935  
Constitution and acts of the General Assembly. If it is determined 63936  
that additional appropriations are necessary for this purpose, 63937  
such amounts are hereby appropriated. 63938

**Section 518.09. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF** 63939  
**STATE** 63940

Certain appropriations are in this act for the purpose of 63941  
making lease rental payments pursuant to leases and agreements 63942  
relating to bonds or notes issued by the Ohio Building Authority 63943  
or the Treasurer of State or, previously, by the Ohio Public 63944

Facilities Commission, pursuant to the Ohio Constitution and acts 63945  
of the General Assembly. If it is determined that additional 63946  
appropriations are necessary for this purpose, such amounts are 63947  
hereby appropriated. 63948

**Section 518.12.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 63949  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 63950

The Office of Budget and Management shall initiate and 63951  
process disbursements from general obligation and lease rental 63952  
payment appropriation items during the period from July 1, 2007, 63953  
to June 30, 2009, relating to bonds or notes issued under Sections 63954  
2i, 2k, 2l, 2m, 2n, 2o, 2p and 15 of Article VIII, Ohio 63955  
Constitution, and Chapters 151. and 154. of the Revised Code. 63956  
Disbursements shall be made upon certification by the Treasurer of 63957  
State, Office of the Sinking Fund, of the dates and the amounts 63958  
due on those dates. 63959

**Section 521.03.** STATE AND LOCAL REBATE AUTHORIZATION 63960

There is hereby appropriated, from those funds designated by 63961  
or pursuant to the applicable proceedings authorizing the issuance 63962  
of state obligations, amounts computed at the time to represent 63963  
the portion of investment income to be rebated or amounts in lieu 63964  
of or in addition to any rebate amount to be paid to the federal 63965  
government in order to maintain the exclusion from gross income 63966  
for federal income tax purposes of interest on those state 63967  
obligations under section 148(f) of the Internal Revenue Code. 63968

Rebate payments shall be approved and vouchered by the Office 63969  
of Budget and Management. 63970

**Section 521.06.** STATEWIDE INDIRECT COST RECOVERY 63971

Whenever the Director of Budget and Management determines 63972  
that an appropriation made to a state agency from a fund of the 63973

state is insufficient to provide for the recovery of statewide 63974  
indirect costs under section 126.12 of the Revised Code, the 63975  
amount required for such purpose is hereby appropriated from the 63976  
available receipts of such fund. 63977

**Section 521.07.** GRF TRANSFERS ON BEHALF OF THE STATEWIDE 63978  
INDIRECT COST ALLOCATION PLAN 63979

The total transfers made from the General Revenue Fund by the 63980  
Director of Budget and Management under this section shall not 63981  
exceed the amounts transferred into the General Revenue Fund under 63982  
division (B) of section 126.12 of the Revised Code. 63983

The director of an agency may certify to the Director of 63984  
Budget and Management the amount of expenses not allowed to be 63985  
included in the Statewide Indirect Cost Allocation Plan under 63986  
federal regulations, from any fund included in the Statewide 63987  
Indirect Cost Allocation Plan, prepared as required by section 63988  
126.12 of the Revised Code. 63989

Upon determining that no alternative source of funding is 63990  
available to pay for such expenses, the Director of Budget and 63991  
Management may transfer from the General Revenue Fund into the 63992  
fund for which the certification is made, up to the amount of the 63993  
certification. The director of the agency receiving such funds 63994  
shall include, as part of the next budget submission prepared 63995  
under section 126.02 of the Revised Code, a request for funding 63996  
for such activities from an alternative source such that further 63997  
federal disallowances would not be required. 63998

**Section 521.12.** FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 63999

Pursuant to the plan for compliance with the Federal Cash 64000  
Management Improvement Act required by section 131.36 of the 64001  
Revised Code, the Director of Budget and Management may cancel and 64002  
re-establish all or part of encumbrances in like amounts within 64003

the funds identified by the plan. The amounts necessary to 64004  
re-establish all or part of encumbrances are hereby appropriated. 64005

**\*Section 603.05.** That Section 310.10 of Am. Sub. H.B. 67 of 64006  
the 127th General Assembly be amended to read as follows: 64007

**Sec. 310.10.** In proceeding with the construction project 64008  
involving United States Route 68 in Champaign County, the Director 64009  
of Transportation shall credit the proceeds from any sale of land 64010  
previously acquired for the project to the local matching funds 64011  
required for the project. 64012

The Director of Transportation shall make available 64013  
\$1,000,000 over the fiscal year 2008-2009 biennium for 64014  
improvements to the State Route 33 Avery Muirfield Interchange. 64015  
The Director shall determine how to fund the project with either 64016  
state or federal moneys. 64017

**\*Section 603.06.** That existing Section 310.10 of Am. Sub. 64018  
H.B. 67 of the 127th General Assembly is hereby repealed. 64019

**Section 605.05.** That Section 252.70 of Am. Sub. H.B. 530 of 64020  
the 126th General Assembly be amended to read as follows: 64021

Reappropriations

**Sec. 252.70.** OSU OHIO STATE UNIVERSITY 64022

CAP-074	Basic Renovations	\$	19,255,664	64023
CAP-149	Basic Renovations - Regional Campuses	\$	2,083,163	64024
CAP-198	Brown Hall Annex Replacement	\$	6,213	64025
CAP-254	Basic Renovations - ATI	\$	127,444	64026
CAP-255	Supplemental Renovations - OARDC	\$	2,826,343	64027
CAP-256	Supplemental Renovations - Regional	\$	191,955	64028
CAP-258	Dreese Lab Addition	\$	12,340	64029
CAP-261	Bioscience/Parks Hall Addition	\$	12,584	64030

CAP-269	Greenhouse Modernization	\$	40,982	64031
CAP-271	Horticulture/Entomology Greenhouse - OARDC	\$	15,344	64032
CAP-292	Life Sciences Research Building	\$	202,898	64033
CAP-302	Food Science & Technology Building	\$	89,990	64034
CAP-306	Heart & Lung Institute	\$	32,437	64035
CAP-311	Superconducting Radiation	\$	65,094	64036
CAP-313	Brain Tumor Research Center	\$	6,001	64037
CAP-314	Engineering Center Net Shape Manufacturing	\$	20,730	64038
CAP-315	Membrane Protein Typology	\$	8,835	64039
CAP-316	Instructional and Data Processing Equipment	\$	198,844	64040
CAP-321	Fine Particle Technologies	\$	157,936	64041
CAP-323	Advanced Plasma Engineering	\$	22,379	64042
CAP-324	Plasma Ramparts	\$	1,150	64043
CAP-326	IN-SITU AL-BE Composites	\$	1,733	64044
CAP-335	Jay Cooke Residence - Roof and Windows	\$	86,668	64045
CAP-347	Asbestos Abatement	\$	5,325	64046
CAP-349	Materials Network	\$	91,983	64047
CAP-350	Bio-Technology Consortium	\$	42,378	64048
CAP-352	Analytical Electron Microscope	\$	375,000	64049
CAP-353	High Temp Alloys & Alluminoids	\$	220,000	64050
CAP-357	Supplemental Renovations - ATI	\$	33,969	64051
CAP-361	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	64052
CAP-362	McPherson Lab Rehabilitation	\$	10,278	64053
CAP-368	Heart and Lung Institute	\$	101,808	64054
CAP-374	ADA Modifications	\$	178,870	64055
CAP-375	ADA Modifications - ATI	\$	41,936	64056
CAP-376	ADA Modifications - Lima	\$	95,538	64057
CAP-377	ADA Modifications - Mansfield	\$	15,253	64058
CAP-387	Titanium Alloys	\$	54,912	64059

CAP-394	ATI/OARDC Roof Replacements	\$	13,913	64060
CAP-398	Advanced Manufacturing	\$	38,579	64061
CAP-399	Manufacturing Processes/Materials	\$	62,574	64062
CAP-401	Terhertz Studies	\$	35,294	64063
CAP-406	Marion Park/Road/Sidewalk/Lights	\$	2,750	64064
CAP-413	Pomerene Lighting/Wiring	\$	249,584	64065
CAP-419	NMR Consortium	\$	75,116	64066
CAP-420	Versatile Film Facility	\$	62,872	64067
CAP-421	OCARNET	\$	5,916	64068
CAP-422	Bioprocessing Research	\$	1,905	64069
CAP-423	Localized Corrosion Research	\$	6,128	64070
CAP-424	ATM Testbed	\$	3,633	64071
CAP-425	Physical Sciences Building	\$	27,748	64072
CAP-427	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	1,347,191	64073
CAP-431	Sisson Hall Replacement	\$	5,571	64074
CAP-436	Machinery Acoustics	\$	3,804	64075
CAP-439	Sensors and Measurements	\$	15,115	64076
CAP-440	Polymer Magnets	\$	1,099	64077
CAP-458	Al Alloy Corrosion	\$	14,292	64078
CAP-484	Page Hall Planning	\$	7,210	64079
CAP-485	Botany & Zoology Building Planning	\$	207,932	64080
CAP-486	Larkins Hall Addition/Renovation Planning	\$	26,206	64081
CAP-487	Robinson Laboratory Planning	\$	149,100	64082
CAP-488	Don Scott Field Replacement Barns	\$	1,495,619	64083
CAP-489	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	64084
CAP-491	Horticultural Operations Center - ATI	\$	1,474,400	64085
CAP-492	OARDC Feed Mill	\$	5,598,644	64086
CAP-499	Biological Sciences Cooling Tower	\$	6,930	64087
CAP-509	Mount Hall HVAC Modifications	\$	40,982	64088
CAP-519	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	64089

CAP-520	Plant and Microbe Functional Genomics Facilities	\$	16,259	64090
CAP-523	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	193,886	64091
CAP-524	Bone & Mineral Metabolism Research Lab	\$	5,845	64092
CAP-531	Animal & Plant Biology Level 3	\$	8,133,780	64093
CAP-534	Main Library Rehabilitation	\$	9,320,846	64094
CAP-535	Psychology Building	\$	2,128,529	64095
CAP-536	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	199,799	64096
CAP-539	Nanosecond Infrared Measurement	\$	2,588	64097
CAP-550	Millimeter/Submillimeter Instrument	\$	5,919	64098
CAP-552	X-Ray Powder Diffractometer	\$	558	64099
CAP-554	Deconvolution Microscope	\$	1,101	64100
CAP-556	Heart/Lung Institute Animal Facility	\$	13,140	64101
CAP-564	Denney Hall Renovation - Phase I	\$	18,495	64102
CAP-565	Ion Mass Spectrometry	\$	6,594	64103
CAP-568	Role of Molecular Interfaces	\$	17,554	64104
CAP-572	New Millimeter Spectrometer	\$	714	64105
CAP-574	Noncredit Job Training - Marion	\$	2,933	64106
CAP-576	1224 Kinnear Road - Bale	\$	11,722	64107
CAP-577	Non-Silicon Micromachining	\$	73,991	64108
CAP-579	Veterinary Hospital Auditorium Renovation	\$	7,736	64109
CAP-586	Electroscience Lab Renovation	\$	5,853	64110
CAP-587	OARDC Boiler Replacement	\$	622,757	64111
CAP-590	Supercomputer Center Expansion	\$	6,804,275	64112
CAP-596	Information Literacy	\$	135,574	64113
CAP-597	Online Business Major	\$	5,768	64114
CAP-599	Renovation of Graves Hall	\$	68,196	64115
CAP-602	OARDC Wooster Phone System Replacement	\$	467,398	64116
CAP-605	Utility - North Tunnel Steamline Upgrade	\$	111,981	64117

CAP-608	Dual Beam Characterization	\$	150,000	64118
CAP-616	Environmental Technology Consortium	\$	11,297	64119
CAP-617	Campbell, University, and Evans Hall	\$	87,439	64120
CAP-620	School of Music - Planning	\$	1,500	64121
CAP-622	Western Branch Headquarters & Machinery Building	\$	779,525	64122
CAP-624	Muck Crops Branch/Shop Building Replacement	\$	756,336	64123
CAP-625	Hazardous Waste Handling/Storage Building	\$	1,103,062	64124
CAP-626	Agriculture/Engineering Building Renovation & Addition	\$	200,000	64125
CAP-628	Wood County Center for Agriculture	\$	1,000,000	64126
CAP-629	Community Heritage Art Gallery - Lima	\$	100,000	64127
CAP-631	Health Psychology	\$	250,000	64128
CAP-632	Nanotechnology Molecular Assembly	\$	500,000	64129
CAP-633	Networking and Communication	\$	500,000	64130
CAP-634	Planetary Gear	\$	125,000	64131
CAP-635	X-Ray Fluorescence Spectrometer	\$	2,283	64132
CAP-636	Precision Navigation	\$	85,000	64133
CAP-637	Welding & Metal Working	\$	200,000	64134
CAP-638	Spin Driven Electronics	\$	6,436	64135
CAP-639	Inductively Coupled Plasma Etching	\$	126,729	64136
CAP-641	Accelerated Metals	\$	1,020,331	64137
CAP-642	Mathematical Biosciences Institute	\$	54,863	64138
CAP-646	Mershon Auditorium HVAC System Improvements	\$	2,098	64139
CAP-647	Molecular Microdevices	\$	14,033	64140
CAP-648	Research Center HVAC System Improvements	\$	17,088	64141
CAP-649	Infrared Absorption Measurements	\$	2,899	64142
CAP-650	Dark Fiber	\$	3,983,440	64143
CAP-651	Shared Data Backup System	\$	20,922	64144
CAP-653	Third Frontier Network Testbed	\$	280,564	64145

CAP-654	Distributed Learning Workshop	\$	270,000	64146
CAP-656	Accelerated Maturation of Materials	\$	209,702	64147
CAP-657	Nanoscale Polymers Manufacturing	\$	629,699	64148
CAP-658	Hydrogen Production and Storage	\$	32,396	64149
CAP-659	Ohio Organic Semiconductor	\$	367,587	64150
CAP-663	Comprehensive Cancer - Chiller Replacement	\$	42,687	64151
CAP-664	Kottman Hall - 103 Central Classroom	\$	19,285	64152
CAP-668	West Campus Chilled Water & Scott Hall	\$	16,139	64153
CAP-669	McCracken Power Plant Spill Control	\$	268,508	64154
CAP-670	Glacial Assessment	\$	22,764	64155
CAP-672	Chemical Vapor Deposition	\$	13,500	64156
CAP-674	Parks Hall Chiller Replacement	\$	135,360	64157
CAP-675	Hybrid Electric Vehicle Modeling	\$	504,536	64158
CAP-676	Computational Nanotechnology	\$	500,000	64159
CAP-677	Townshend Hall - Roof Replacement	\$	328,772	64160
CAP-678	Center For Materials Design	\$	1,037	64161
CAP-681	Vet Hospital Roof Replacement Phase II	\$	85,645	64162
CAP-682	Hopkins Hall Phase II Priorities I, II	\$	108,052	64163
CAP-683	Bioscience 6th Floor Renovation - Priority	\$	983,186	64164
CAP-684	Ohio Commons For Digital Education	\$	118,924	64165
CAP-685	Postle Hall Fire Alarm Replacement	\$	116,441	64166
CAP-686	NonCredit Job Education & Training	\$	21,104	64167
CAP-687	Campus South Dorms Renovation/Improvements	\$	950,000	64168
CAP-688	Bricker Hall Roof Replacement	\$	23,123	64169
CAP-694	Neuroscience Center Core	\$	193,991	64170
CAP-696	Campus Grounds-Exterior Lighting - Phase VIII	\$	33,814	64171
CAP-697	930 Kinnear Road Renovations	\$	773,303	64172
CAP-698	Waterman Lab & Don Scott Field	\$	652,752	64173
CAP-699	Lincoln Tower Renovations - Phase 1	\$	477,626	64174

CAP-700	Coe Corrosion Coop	\$	58,750	64175
CAP-701	OSU Cancer Program Expansion	\$	2,000,000	64176
CAP-702	Smith Laboratory Rehabilitation	\$	2,800,000	64177
CAP-704	Warner Library and Student Center	\$	1,789,324	64178
CAP-705	Hopewell Hall Science Suite	\$	508,408	64179
CAP-706	Atomic Force Microscopy	\$	180,000	64180
CAP-707	Interactive Applications	\$	463,018	64181
CAP-712	OSU Mansfield - Third Street Project	\$	234,000	64182
CAP-714	Health Psychology	\$	150,000	64183
CAP-716	Ohio Bioproducts Innovation Center	\$	9,689,847	64184
CAP-717	Center for Materials Design	\$	602,615	64185
CAP-718	Specialized Planetary Gears	\$	150,000	64186
CAP-719	OSU Agricultural Building	\$	1,500,000	64187
CAP-720	Automated Afm System	\$	180,000	64188
CAP-721	Integrated Wireless Communication	\$	141,000	64189
Total Ohio State University		\$	105,955,671	64190

BASIC RENOVATIONS 64191

The amount reappropriated for the foregoing appropriation 64192  
item CAP-074, Basic Renovations, is the sum of the unencumbered 64193  
and unallotted balance as of June 30, 2006, in appropriation item 64194  
CAP-074, Basic Renovations, plus \$6,927. 64195

OARDC THORNE & GOURLEY HALL 64196

The amount reappropriated for the foregoing appropriation 64197  
item CAP-274, OARDC Thorne & Gourley Hall shall be \$1,007. 64198

WOOD COUNTY CENTER FOR AGRICULTURE 64199

Of the foregoing appropriation item CAP-628, Wood County 64200  
Center for Agriculture, up to \$300,000 shall be used for building 64201  
renovations to the OSU Extension Office/Ag Business Enhancement 64202  
Center. 64203

The remainder of appropriation item CAP-628, Wood County 64204  
Center for Agriculture, shall be used for an alternative energy 64205

generation project at the East Gypsy Lane Complex in Wood County 64206  
or an agricultural energy facility recommended by the Wood County 64207  
commissioners. 64208

**Section 605.06.** That existing Section 252.70 of Am. Sub. H.B. 64209  
530 of the 126th General Assembly is hereby repealed. 64210

**Section 621.05.** That Section 153 of Am. Sub. H.B. 117 of the 64211  
121st General Assembly, as most recently amended by Am. Sub. H.B. 64212  
66 of the 126th General Assembly, be amended to read as follows: 64213

**Sec. 153.** (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 64214  
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 64215  
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 64216  
repealed, effective October 16, ~~2007~~ 2009. 64217

(B) Any money remaining in the Legislative Budget Services 64218  
Fund on October 16, ~~2007~~ 2009, the date that section 5112.19 of 64219  
the Revised Code is repealed by division (A) of this section, 64220  
shall be used solely for the purposes stated in then former 64221  
section 5112.19 of the Revised Code. When all money in the 64222  
Legislative Budget Services Fund has been spent after then former 64223  
section 5112.19 of the Revised Code is repealed under division (A) 64224  
of this section, the fund shall cease to exist. 64225

**Section 621.06.** That existing Section 153 of Am. Sub. H.B. 64226  
117 of the 121st General Assembly, as most recently amended by Am. 64227  
Sub. H.B. 66 of the 126th General Assembly, is hereby repealed. 64228

**Section 703.10.** The Governor's Office of Faith-Based and 64229  
Community Initiatives, with the assistance of the Advisory Board 64230  
of the Governor's Office of Faith-Based and Community Initiatives, 64231  
shall conduct a study of the feasibility and advisability of the 64232  
Office becoming a private nonprofit entity rather than a part of 64233

the Governor's office. The study and any resulting recommendations 64234  
shall be submitted, not later than July 1, 2008, to the Governor, 64235  
the Speaker of the House of Representatives, the President of the 64236  
Senate, and the Minority Leaders of the House of Representatives 64237  
and the Senate. 64238

**Section 706.03.** (A) As used in this section, "appointing 64239  
authority" has the same meaning as in section 124.01 of the 64240  
Revised Code, and "exempt employee" has the same meaning as in 64241  
section 124.152 of the Revised Code. 64242

(B) Notwithstanding section 124.181 of the Revised Code, both 64243  
of the following apply: 64244

(1) In cases where no vacancy exists, an appointing authority 64245  
may, with the written consent of an exempt employee, assign duties 64246  
of a higher classification to that exempt employee for a period of 64247  
time not to exceed two years, and that exempt employee shall 64248  
receive compensation at a rate commensurate with the duties of the 64249  
higher classification. 64250

(2) If necessary, exempt employees who are assigned to duties 64251  
within their agency to maintain operations during the Ohio 64252  
Administrative Knowledge System (OAKS) implementation may agree to 64253  
a temporary assignment that exceeds the two-year limit. 64254

**Section 737.10.** (A) Notwithstanding any provision of law to 64255  
the contrary, the Public Health Council shall rescind rules 64256  
adopted by the Council under section 3718.02 of the Revised Code, 64257  
as it existed prior to its repeal by this act, that took effect on 64258  
January 1, 2007. At the same time as those rules are rescinded, 64259  
the Council shall adopt rules that are identical to the rules 64260  
adopted by the Council that were in effect prior to January 1, 64261  
2007, and were codified in Chapter 3701-29 of the Administrative 64262  
Code. 64263

(B) The rescission and adoption of rules under division (A) 64264  
of this section are not subject to section 119.03 of the Revised 64265  
Code. However, the Public Health Council shall file the rules in 64266  
accordance with section 119.04 of the Revised Code. Upon that 64267  
filing, the rules take immediate effect. 64268

**Section 739.10.** Section 3905.36 of the Revised Code is 64269  
amended by this act for the purpose of clarifying the intent of 64270  
the 126th General Assembly when it amended division (B)(4) of 64271  
section 3905.36 of the Revised Code. Notwithstanding any provision 64272  
of section 3905.36 of the Revised Code to the contrary, all 64273  
agencies and departments of the state or any political subdivision 64274  
shall apply the legislative intent from this amendment as of 64275  
January 1, 2007. 64276

**Section 753.10.** The duties of an owner of residential rental 64277  
property to comply with and of a county auditor to accept 64278  
compliance with sections 5323.01, 5323.02, 5323.03, 5323.04, and 64279  
5323.99 of the Revised Code in a county are tolled until the board 64280  
of county commissioners adopts a resolution under the first 64281  
paragraph of section 5323.011 of the Revised Code. 64282

**Section 753.20.** (A) The staff of the Legislative Service 64283  
Commission shall study the feasibility and potential results of 64284  
the state's offering incentives for local entities, including 64285  
municipal corporations, counties, townships, local historical 64286  
societies, and regional authorities, to assume control of state 64287  
historical sites. The incentives to be studied shall include the 64288  
establishment of tax credits, the contribution of capital dollars, 64289  
and the creation of an endowment-matching program. 64290

The study shall focus on the cost and funding aspects of the 64291  
incentives that are studied. In addition, the study shall attempt 64292  
to determine the potential results of providing each incentive at 64293

varying levels. 64294

(B) Not later than six months after the effective date of 64295  
this section, the staff of the Commission shall report its 64296  
findings to the Commission. 64297

**\*Section 755.03.** The Director of Transportation may conduct a 64298  
twelve-month pilot project to be completed not later than June 30, 64299  
2009, for energy price risk management by entering into a contract 64300  
with a qualified provider of energy risk management services. The 64301  
contract may include rate analysis, negotiation services, market 64302  
and regulatory analysis, budget and financial analysis, and 64303  
mitigation strategies for volatile energy sources, including 64304  
natural gas, gasoline, oil, and diesel fuel, but shall not include 64305  
energy procurement and shall not subject more than thirty per cent 64306  
of the Department's annual energy needs to the risk management 64307  
services. The Director shall select the energy risk management 64308  
services provider through a qualifications-based selection 64309  
process, subject to Controlling Board approval. The contract shall 64310  
specify that the Department may share the analysis and services of 64311  
the energy risk management services provider with all state 64312  
agencies and operations. The Director may use revenues from the 64313  
state motor vehicle fuel tax or other funds appropriated by the 64314  
General Assembly for the pilot project to pay amounts due under 64315  
the contract and shall deposit any amounts received under the 64316  
contract into the Highway Operating Fund created under section 64317  
5735.291 of the Revised Code. 64318

**Section 757.01.** Every two years during biennial budget 64319  
deliberations, the Tax Commissioner shall review the percentage of 64320  
the total price of electricity that is indicated under division 64321  
(C)(2) of section 5727.81 of the Revised Code, as amended by this 64322  
act. Such review shall include a consideration of the fluctuations 64323  
in the price of electricity that have occurred in the most recent 64324

two fiscal years and other factors influencing the economy of the 64325  
state. 64326

**Section 757.03.** (A) Beginning in July 2007 and ending in 64327  
November 2007, on or before the seventh day of each month, the Tax 64328  
Commissioner shall determine and certify to the Director of Budget 64329  
and Management the amount to be credited from each tax source 64330  
under divisions (B), (C), and (D) of this section to the Local 64331  
Government Fund, the Library and Local Government Support Fund, 64332  
and the Local Government Revenue Assistance Fund. 64333

(B) Notwithstanding sections 5727.45, 5727.84, 5733.12, 64334  
5739.21, 5741.03, and 5747.03 of the Revised Code or any other 64335  
provision of law to the contrary, for each month in the period 64336  
beginning July 1, 2007, and ending November 30, 2007, tax revenues 64337  
credited to the Local Government Fund, the Library and Local 64338  
Government Support Fund, and the Local Government Revenue 64339  
Assistance Fund under those sections shall instead be credited as 64340  
follows: 64341

(1) An amount shall first be credited to the Local Government 64342  
Fund as prescribed under division (C) of this section; 64343

(2) An amount shall next be credited to the Local Government 64344  
Revenue Assistance Fund as prescribed under division (C) of this 64345  
section; 64346

(3) An amount shall next be credited to the Library and Local 64347  
Government Support Fund as prescribed under division (D) of this 64348  
section. 64349

(C) Receipts from the corporation franchise, sales and use, 64350  
public utility excise, kilowatt-hour, and personal income taxes 64351  
shall be credited to the Local Government Fund and the Local 64352  
Government Revenue Assistance Fund as follows: 64353

(1) In July 2007, the amount that was credited in July 2006; 64354

(2) In August 2007, the amount that was credited in August 2006;	64355 64356
(3) In September 2007, the amount that was credited in September 2006;	64357 64358
(4) In October 2007, the amount that was credited in October 2006;	64359 64360
(5) In November 2007, the amount that was credited in November 2006.	64361 64362
(D) Receipts from the personal income tax shall be credited to the Library and Local Government Support Fund as follows:	64363 64364
(1) In July 2007, the amount that was credited in July 2006;	64365
(2) In August 2007, the amount that was credited in August 2006;	64366 64367
(3) In September 2007, the amount that was credited in September 2006;	64368 64369
(4) In October 2007, the amount that was credited in October 2006;	64370 64371
(5) In November 2007, the amount that was credited in November 2006.	64372 64373
(E)(1) To the extent the amounts required to be credited to the Local Government Fund, the Library and Local Government Support Fund, and the Local Government Revenue Assistance Fund under divisions (C) and (D) of this section exceed the amounts that otherwise would have been credited to those funds under sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code, amounts required to be credited to the General Revenue Fund under those sections shall be reduced accordingly.	64374 64375 64376 64377 64378 64379 64380 64381 64382
(2) To the extent the amounts required to be credited to the Local Government Fund, the Library and Local Government Support	64383 64384

Fund, and the Local Government Revenue Assistance Fund under 64385  
divisions (C) and (D) of this section are less than the amounts 64386  
that otherwise would have been credited to those funds under 64387  
sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 64388  
of the Revised Code, amounts required to be credited to the 64389  
General Revenue Fund under those sections shall be increased 64390  
accordingly. 64391

(F) The total amount credited each month under this section 64392  
to the Local Government Fund, the Library and Local Government 64393  
Support Fund, and the Local Government Revenue Assistance Fund 64394  
shall be distributed on or before the tenth day of the immediately 64395  
succeeding month as follows: 64396

(1) Each county undivided Local Government Fund shall receive 64397  
a distribution from the Local Government Fund that is based upon 64398  
its proportionate share of the total amount received by it from 64399  
the fund in the same month during the preceding calendar year. 64400

(2) Each municipal corporation receiving a direct 64401  
distribution from the Local Government Fund shall receive a 64402  
distribution that is based upon its proportionate share of the 64403  
total amount received by it from the fund in the same month during 64404  
the preceding calendar year. 64405

(3) Each county undivided Local Government Revenue Assistance 64406  
Fund shall receive a distribution from the Local Government 64407  
Revenue Assistance Fund that is based upon its proportionate share 64408  
of the total amount received by it from the fund in the same month 64409  
during the preceding calendar year. 64410

(4) Each county undivided Library and Local Government 64411  
Support Fund shall receive a distribution from the Library and 64412  
Local Government Support Fund that is based upon its proportionate 64413  
share of the total amount received by it from the fund in the same 64414  
month during the preceding calendar year. 64415

(G) Distributions shall not be made in accordance with 64416  
sections 5747.47 and 5747.50 of the Revised Code until January 1, 64417  
2008. 64418

(H) Notwithstanding section 5747.47 of the Revised Code, the 64419  
Tax Commissioner is not required to issue the certification 64420  
required by that section to be made in December 2007 for calendar 64421  
year 2007. The Tax Commissioner may, as the Commissioner considers 64422  
appropriate, provide to each county auditor additional revised 64423  
estimates or other information relating to distributions in 2007, 64424  
2008, or 2009 at any time during the period beginning July 1, 64425  
2007, and ending June 30, 2009. 64426

(I)(1) Notwithstanding division (A) of section 131.51 of the 64427  
Revised Code, on or before January 5, 2008, the Director of Budget 64428  
and Management shall credit to the Local Communities Fund an 64429  
amount equal to three and sixty-eight one-hundredths per cent of 64430  
total tax revenues credited to the General Revenue Fund during 64431  
December 2007. In determining the total tax revenues credited to 64432  
the General Revenue Fund during that month, transfers made from 64433  
the General Revenue Fund during that month to the Local Government 64434  
Fund, the Local Government Revenue Assistance Fund, and the 64435  
Library and Local Government Support Fund shall be disregarded. 64436  
Moneys credited to the Local Communities Fund under division 64437  
(I)(1) of this section shall be distributed in January 2008 in 64438  
accordance with section 5747.50 of the Revised Code. 64439

(2) Notwithstanding division (B) of section 131.51 of the 64440  
Revised Code, on or before January 5, 2008, the Director of Budget 64441  
and Management shall credit to the Local Libraries Fund an amount 64442  
equal to two and twenty-two one-hundredths per cent of total tax 64443  
revenues credited to the General Revenue Fund during December 64444  
2007. In determining the total tax revenues credited to the 64445  
General Revenue Fund during that month, transfers made from the 64446  
General Revenue Fund during that month to the Local Government 64447

Fund, the Local Government Revenue Assistance Fund, and the 64448  
Library and Local Government Support Fund shall be disregarded. 64449  
Moneys credited to the Local Libraries Fund under division (I)(2) 64450  
of this section shall be distributed in January 2008 in accordance 64451  
with section 5747.47 of the Revised Code. 64452

**Section 757.04.** Notwithstanding sections 5747.46 and 5747.47 64453  
of the Revised Code or any other provision of law to the contrary, 64454  
a county's actual Library and Local Government Support Fund total 64455  
entitlement for the 2007 distribution year shall equal the amount 64456  
that was distributed to the county's Library and Local Government 64457  
Support Fund from the Library and Local Government Support Fund 64458  
during the 2007 calendar year. Each county's resulting calendar 64459  
year 2007 Library and Local Government Support Fund entitlement 64460  
shall be used by the Tax Commissioner for purposes of determining 64461  
the guaranteed share of the Local Libraries Fund in section 64462  
5747.46 of the Revised Code for the 2008 distribution year and 64463  
shall be used by the Commissioner in making: 64464

(A) The calendar year 2008 estimated entitlements of the 64465  
Local Libraries Fund required by section 5747.47 of the Revised 64466  
Code to be certified to county auditors in July 2007, December 64467  
2007, and June 2008; and 64468

(B) The calendar year 2008 actual Local Libraries Fund 64469  
entitlement computations required by section 5747.47 of the 64470  
Revised Code to be certified to county auditors in December 2008. 64471

**Section 757.05.** The General Assembly recognizes that some 64472  
qualifying taxpayers are authorized to claim the credit against 64473  
the commercial activity tax under section 5751.53 of the Revised 64474  
Code for disallowed Ohio net operating loss deductions, and that 64475  
some qualifying taxpayers are not authorized to claim that credit 64476  
as that section currently exists, depending on whether the 64477

taxpayer was able to record deferred tax items on its books and 64478  
records and comply with the requirements of division (D) of that 64479  
section. The General Assembly further recognizes that the credits 64480  
authorized under section 5751.53 of the Revised Code may not be 64481  
claimed until 2010. Therefore, the General Assembly declares that 64482  
it intends to consider, in consultation with the Governor, whether 64483  
eligibility to claim the credit by qualifying taxpayers shall be 64484  
modified before the initial credit may be claimed in 2010, with a 64485  
view to extending eligibility to qualifying taxpayers not able to 64486  
claim the credits under the terms of that section as it currently 64487  
exists. 64488

Any term used in this section has the same meaning as in 64489  
section 5751.53 of the Revised Code. 64490

**Section 757.07.** For tax years 2007 and thereafter, telephone, 64491  
telegraph, and interexchange telecommunications companies, as 64492  
defined in section 5727.01 of the Revised Code, shall list taxable 64493  
property at the percentage of true value required in Chapter 5711. 64494  
of the Revised Code. For purposes of assigning taxable valuation 64495  
to each taxing district for those years, the Tax Commissioner 64496  
shall continue to use the apportionment provisions of Chapter 64497  
5727. of the Revised Code. However, such property shall be listed 64498  
by the county auditor and certified to the county treasurer for 64499  
collection under the provisions applicable to the general tax list 64500  
of personal property and not upon the tax list and duplicate of 64501  
real and public utility personal property. 64502

**Section 757.08.** Resolutions adopted by a board of township 64503  
trustees of a limited home rule township pursuant to Chapter 504. 64504  
and section 5709.73 of the Revised Code in December 2005 are 64505  
hereby deemed to have had an immediate effective date if the board 64506  
unanimously adopts a resolution so declaring. 64507

**Section 757.10.** The Department of Administrative Services, in 64508  
conjunction with the Department of Taxation, may acquire the State 64509  
Taxation Revenue and Accounting System (STARS) pursuant to Chapter 64510  
125. of the Revised Code, including, but not limited to, the 64511  
application software and installation and implementation thereof, 64512  
for the use of the Department of Taxation. STARS is an integrated 64513  
tax collection and audit system that will replace all of the 64514  
state's existing separate tax software and administration systems 64515  
for the various taxes collected by the state. Any lease-purchase 64516  
arrangement used under Chapter 125. of the Revised Code to acquire 64517  
STARS, including any fractionalized interests therein as defined 64518  
in division (N) of section 133.01 of the Revised Code, must 64519  
provide that at the end of the lease period, STARS becomes the 64520  
property of the state. 64521

**Section 757.20.** (A)(1) The county auditor of each county that 64522  
is included in whole or in part in the Muskingum Watershed 64523  
Conservancy District shall include with the second half tax bill 64524  
that is required to be mailed in 2007 in accordance with section 64525  
323.13 of the Revised Code the notice that is required to be 64526  
prepared under division (A)(2) of this section. The notice shall 64527  
be included in the second half tax bill of each person on the tax 64528  
duplicate whose property is located in the Muskingum Watershed 64529  
Conservancy District and subject to the maintenance assessment 64530  
referred to in division (A)(2) of this section. The notice shall 64531  
be included with the second half tax bill notwithstanding division 64532  
(D) of section 323.131 of the Revised Code. 64533

(2) The board of directors of the Muskingum Watershed 64534  
Conservancy District shall prepare written notification of the 64535  
maintenance assessment to be levied by the District under section 64536  
6111.53 of the Revised Code that is scheduled to begin collection 64537  
in calendar year 2008. The notification shall be prepared for 64538

inclusion in the 2007 second half tax bill of each person that is 64539  
required to receive the notification under division (A)(1) of this 64540  
section. For each person receiving a second half tax bill in 2007 64541  
and required to receive the notification under that division, the 64542  
notification shall include a statement that the District intends 64543  
to levy the maintenance assessment and shall include an indication 64544  
of the amount of the assessment that is applicable to that person. 64545  
The board of directors shall take whatever actions are necessary 64546  
and work with each applicable county auditor to ensure that the 64547  
notifications are included with the second half tax bills as 64548  
required by this section. 64549

(B) With respect to persons that will be subject to the 64550  
maintenance assessment to be levied by the Muskingum Watershed 64551  
Conservancy District under section 6111.53 of the Revised Code 64552  
that is scheduled to begin collection in calendar year 2008, but 64553  
that do not receive a second half tax bill in 2007 or that do not 64554  
otherwise receive the notification that is required to be included 64555  
in the tax bill under division (A) of this section, the board of 64556  
directors of the District shall cause to be sent by United States 64557  
mail a notification of the assessment. The contents of the 64558  
notification shall be the same as those that are specified for the 64559  
notification that is required under division (A) of this section. 64560  
The notification shall be sent not later than one hundred twenty 64561  
days prior to the date on which the maintenance assessment is 64562  
effective. 64563

(C) If the board of directors of the Muskingum Watershed 64564  
Conservancy District fails to comply with divisions (A) and (B) of 64565  
this section, the maintenance assessment that is scheduled to 64566  
begin collection in calendar year 2008 shall not be collected. 64567  
However, the board of directors subsequently may collect the 64568  
maintenance assessment if the board gives notification of the 64569  
maintenance assessment to every person that is required to receive 64570

the notification under divisions (A) and (B) of this section. The 64571  
notification shall include the information that is required to be 64572  
included under division (A)(2) of this section. 64573

**Section 803.03.** The amendment by this act of sections 64574  
3119.022, 3119.023, 3119.29, and 3119.30 of the Revised Code first 64575  
applies on February 1, 2008, or on the effective date of 64576  
regulations defining "reasonable cost" issued by the United States 64577  
Secretary of Health and Human Services, whichever is later. 64578

**Section 803.06.** (A) The amendment by this act of sections 64579  
323.151, 323.152, 323.153, and 323.154 of the Revised Code does 64580  
not take effect until the tax year that includes the day the 64581  
Director of Budget and Management certifies to the Governor, the 64582  
Speaker of the House of Representatives, the Minority Leader of 64583  
the House of Representatives, the President of the Senate, and the 64584  
Minority Leader of the Senate, either of the following: 64585

(1) That there is sufficient revenue to the credit of one or 64586  
more funds in the state treasury, not otherwise appropriated or 64587  
encumbered, to make the additional property tax reimbursements 64588  
required by the amendment by this act of those sections and 64589  
sections 4503.064, 4503.065, 4503.066, and 4503.067 of the Revised 64590  
Code. 64591

(2) That, at the time such additional property tax 64592  
reimbursements are required to be made under section 323.156 or 64593  
4503.068 of the Revised Code, there will be sufficient revenue, 64594  
currently in the process of collection and not otherwise 64595  
appropriated or encumbered, to the credit of one or more funds of 64596  
the state treasury and available to make such additional 64597  
reimbursements. 64598

(B) The amendment by this act of sections 4503.064, 4503.065, 64599  
4503.066, and 4503.067 of the Revised Code does not apply until 64600

the tax year next ensuing the tax year the amendment of sections 64601  
323.151, 323.152, 323.153, and 323.154 of the Revised Code applies 64602  
in accordance with division (A) of this section. 64603

(C) For any tax years before the first tax year the 64604  
amendments referred to in divisions (A) and (B) of this section 64605  
apply, the sections as they existed before the effective date of 64606  
those amendments shall apply. 64607

**Section 803.09.** The amendment or enactment by this act of 64608  
section 4505.06, division (B)(23) of section 5739.02, and sections 64609  
5739.029, 5739.033, and 5739.213 of the Revised Code apply to 64610  
sales described in division (A) of section 5739.029 of the Revised 64611  
Code on or after August 1, 2007. 64612

**Section 806.03.** The sections and items of law contained in 64613  
this act, and their applications, are severable. If any section or 64614  
item of law contained in this act, or if any application of any 64615  
section or item of law contained in this act, is held invalid, the 64616  
invalidity does not affect other sections or items of law 64617  
contained in this act and their applications that can be given 64618  
effect without the invalid section or item of law or application. 64619

**Section 809.03.** An item of law, other than an amending, 64620  
enacting, or repealing clause, that composes the whole or part of 64621  
an uncodified section contained in this act has no effect after 64622  
June 30, 2009, unless its context clearly indicates otherwise. 64623

**Section 812.03.** Except as otherwise specifically provided in 64624  
this act, the codified sections of law amended or enacted in this 64625  
act, and the items of law of which the codified sections of law 64626  
amended or enacted in this act are composed, are subject to the 64627  
referendum. Therefore, under Ohio Constitution, Article II, 64628  
Section 1c and section 1.471 of the Revised Code, the codified 64629

sections of law amended or enacted by this act, and the items of 64630  
law of which the codified sections of law as amended or enacted by 64631  
this act are composed, take effect on the ninety-first day after 64632  
this act is filed with the Secretary of State. If, however, a 64633  
referendum petition is filed against any such codified section of 64634  
law as amended or enacted by this act, or against any item of law 64635  
of which any such codified section of law as amended or enacted by 64636  
this act is composed, the codified section of law as amended or 64637  
enacted, or item of law, unless rejected at the referendum, takes 64638  
effect at the earliest time permitted by law. 64639

**Section 812.06.** Except as otherwise specifically provided in 64640  
this act, the repeal by this act of a codified section of law is 64641  
subject to the referendum. Therefore, under Ohio Constitution, 64642  
Article II, Section 1c and section 1.471 of the Revised Code, the 64643  
repeal by this act of a codified section of law takes effect on 64644  
the ninety-first day after this act is filed with the Secretary of 64645  
State. If, however, a referendum petition is filed against any 64646  
such repeal, the repeal, unless rejected at the referendum, takes 64647  
effect at the earliest time permitted by law. 64648

**Section 812.09.** The sections of law amended, enacted, or 64649  
repealed by this act that are listed in this section are subject 64650  
to the referendum. Therefore, under Ohio Constitution, Article II, 64651  
Section 1c and section 1.471 of the Revised Code, the sections, 64652  
and the items of law of which they are composed, take effect as 64653  
specified in this section. If, however, a referendum petition is 64654  
filed against any such section as amended, enacted, or repealed, 64655  
or against any item of law of which any such section as amended or 64656  
enacted is composed, the section as amended, enacted, or repealed 64657  
goes into effect at the earliest time permitted by law that is on 64658  
or after the effective date specified in this section. 64659

Section 5111.014 of the Revised Code takes effect January 1, 64660

2008. 64661

**Section 812.12.** Uncodified sections of law amended or enacted 64662  
in this act, and items of law contained within the uncodified 64663  
sections of law amended or enacted in this act, that are marked 64664  
with an asterisk are subject to the referendum. Therefore, under 64665  
Ohio Constitution, Article II, Section 1c and section 1.471 of the 64666  
Revised Code, the uncodified sections and items of law marked with 64667  
an asterisk take effect on the ninety-first day after this act is 64668  
filed with the Secretary of State. If, however, a referendum 64669  
petition is filed against an uncodified section or item of law 64670  
marked with an asterisk, the uncodified section or item of law 64671  
marked with an asterisk, unless rejected at the referendum, takes 64672  
effect at the earliest time permitted by law. 64673

If the amending and existing repeal clauses commanding the 64674  
amendment of an uncodified section of law are both marked with 64675  
asterisks, the uncodified section as amended is deemed also to 64676  
have been marked with an asterisk. 64677

An asterisk marking an uncodified section or item of law has 64678  
the form\*. 64679

This section defines the meaning and form of, but is not 64680  
itself to be considered marked with, an asterisk. 64681

**Section 815.03.** The sections of law amended or enacted by 64682  
this act that are listed in this section, and the items of law of 64683  
which such sections as amended or enacted by this act are 64684  
composed, are not subject to the referendum. Therefore, under Ohio 64685  
Constitution, Article II, Section 1d and section 1.471 of the 64686  
Revised Code, such sections as amended or enacted by this act, and 64687  
the items of law of which such sections as amended or enacted by 64688  
this act are composed, go into immediate effect when this act 64689  
becomes law. 64690

Sections 109.57, 122.051, 122.071, 122.076, 122.17, 122.171, 64691  
122.174, 122.602, 124.152, 126.16, 126.24, 126.40, 127.16, 173.35, 64692  
183.01, 183.021, 183.17, 183.33, 183.34, 183.35, 183.51, 183.52, 64693  
1503.05, 1713.031, 2927.023, 3109.04, 3109.041, 3119.022, 64694  
3119.023, 3119.29, 3119.30, 3301.0711, 3310.51, 3310.52, 3310.53, 64695  
3310.54, 3310.55, 3310.56, 3310.57, 3310.58, 3310.59, 3310.60, 64696  
3310.61, 3310.62, 3310.63, 3313.615, 3313.98, 3314.015, 3314.016, 64697  
3314.02, 3314.074, 3314.08, 3314.087, 3314.19, 3314.26, 3317.01, 64698  
3317.012, 3317.013, 3317.014, 3317.015, 3317.016, 3317.017, 64699  
3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 3317.029, 64700  
3317.0216, 3317.0217, 3317.03, 3317.04, 3317.08, 3317.16, 3317.20, 64701  
3317.201, 3318.12, 3323.052, 3333.55, 3365.01, 3701.135, 3702.68 64702  
(3702.59), 3704.03, 3704.14, 3721.51, 3721.541, 3721.56, 3735.672, 64703  
4301.43, 4503.10, 4513.263, 4723.621, 4723.63, 4723.64, 4723.65, 64704  
4723.66, 4743.05, 4766.05, 4775.08, 5101.802, 5101.98, 5104.30, 64705  
5111.871, 5111.8814, 5112.341, 5123.01, 5123.033, 5123.045, 64706  
5123.0414, 5123.0415, 5123.051, 5123.16, 5123.161, 5123.162, 64707  
5123.163, 5123.164, 5123.165, 5123.166, 5123.167, 5123.168, 64708  
5123.169, 5123.19, 5123.196, 5123.198, 5123.20, 5123.211, 5123.38, 64709  
5123.41, 5123.51, 5123.605, 5123.99, 5126.11, 5126.12, 5126.15, 64710  
5126.19, 5126.25, 5126.40, 5126.42, 5126.43, 5126.45, 5126.47, 64711  
5709.68, 5747.46, 5747.47, 5747.50, 5747.501, 5747.51, 5747.52, 64712  
5747.53, 5747.54, 5747.55, 5751.21, 5907.15, 5907.16, and 64713  
6111.0381 of the Revised Code. 64714

**Section 815.06.** The repeal by this act of the sections of law 64715  
listed in this section is not subject to the referendum. 64716  
Therefore, under Ohio Constitution, Article II, Section 1d and 64717  
section 1.471 of the Revised Code, the repeals go into immediate 64718  
effect when this act becomes law. 64719

Sections 183.02, 183.27, 183.32, 5123.16, 5123.182, 5123.199, 64720  
5126.053, 5126.431, 5126.44, 5126.451, 5747.61, 5747.62, and 64721  
5747.63 of the Revised Code. 64722

The version of section 3702.68 of the Revised Code that was 64723  
scheduled to take effect July 1, 2007. 64724

**Section 815.09.** The sections of law amended, enacted, or 64725  
repealed by this act that are listed in this section are not 64726  
subject to the referendum. Therefore, under Ohio Constitution, 64727  
Article II, Section 1d and section 1.471 of the Revised Code, the 64728  
sections as amended, enacted, or repealed, and the items of law of 64729  
which as amended or enacted they are composed, go into effect as 64730  
specified in this section. 64731

Sections 126.04, 5123.047, 5123.048, 5123.049, 5123.0411, 64732  
5123.0416, 5126.054, 5126.056, 5126.059, 5126.0510, 5126.0512, and 64733  
5705.44 of the Revised Code take effect July 1, 2007. 64734

The version of section 127.16 of the Revised Code that is 64735  
scheduled to take effect July 1, 2007, takes effect July 1, 2007. 64736

Sections 340.03 and 5119.611 of the Revised Code take effect 64737  
July 1, 2007. 64738

Sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 64739  
5747.03 of the Revised Code take effect December 1, 2007. 64740

Sections 118.01, 118.08, 118.17, 118.20, 118.23, 127.14, 64741  
131.44, 131.51, 133.10, 133.25, 135.35, 135.352, 152.31, 164.05, 64742  
164.051, 307.021, 307.6910, 321.08, 709.191, 742.301, 3375.05, 64743  
3375.121, 3375.40, 3375.85, 4123.35, 5139.27, 5139.271, 5705.28, 64744  
5705.281, 5705.29, 5705.30, 5705.31, 5705.32, 5705.321, 5705.37, 64745  
5709.882, 5715.36, 5719.041, 5725.151, 5725.24, 5747.48, and 64746  
6121.043 of the Revised Code take effect January 1, 2008. 64747

**Section 815.12.** Except as otherwise specifically provided in 64748  
this act, the uncodified sections of law amended or enacted in 64749  
this act, and the items of law of which the uncodified sections of 64750  
law amended or enacted in this act are composed, are not subject 64751  
to the referendum. Therefore, under Ohio Constitution, Article II, 64752

Section 1d and section 1.471 of the Revised Code, the uncodified 64753  
sections of law amended or enacted in this act, and the items of 64754  
law of which the uncodified sections of laws amended or enacted in 64755  
this act are composed, go into immediate effect when this act 64756  
becomes law. 64757

**Section 818.03.** The amendment or enactment by this act of the 64758  
sections of law listed in this section provides for or is 64759  
essential to implementation of a tax levy. Therefore, under Ohio 64760  
Constitution, Article II, Section 1d, the amendments and 64761  
enactments, and the items of which they are composed, are not 64762  
subject to the referendum and go into immediate effect when this 64763  
act becomes law. 64764

Sections 133.01, 319.202, 319.54, 322.01, 323.151, 323.152, 64765  
323.153, 323.154, 325.31, 1548.06, 4503.06, 4503.061, 4503.064, 64766  
4503.065, 4503.066, 4503.067, 4505.06, 4519.55, 5739.02, 5739.029, 64767  
5739.033, 5739.12, 5739.213, 5741.02, 5743.01, 5743.20, 5743.331, 64768  
5745.02, 5745.05, 5745.13, 5748.01, 5748.02, 5748.021, 5748.022, 64769  
5748.04, 5748.08, and 5751.23 of the Revised Code. 64770

**Section 821.06.** (A) Except as otherwise provided in division 64771  
(B) of this section, the amendments by this act to section 3317.02 64772  
of the Revised Code are not subject to the referendum. Therefore, 64773  
under Ohio Constitution, Article II, Section 1d and section 1.471 64774  
of the Revised Code, the amendments go into immediate effect. 64775

(B) The amendment to section 3317.02 of the Revised Code that 64776  
substitutes the term "state education aid" for the term "SF-3 64777  
payment" is subject to the referendum. Therefore, under Ohio 64778  
Constitution, Article II, Section 1c and section 1.471 of the 64779  
Revised Code, the amendment takes effect on the ninety-first day 64780  
after this act is filed with the Secretary of State. If, however, 64781  
a referendum petition is filed against the amendment, the 64782

amendment, unless rejected at the referendum, takes effect at the 64783  
earliest time permitted by law. 64784

**Section 821.12.** (A) Except as otherwise provided in division 64785  
(B) of this section, the amendments by this act to section 5111.20 64786  
of the Revised Code are subject to the referendum. Therefore, 64787  
under Ohio Constitution, Article II, Section 1c and section 1.471 64788  
of the Revised Code, the amendments take effect on the 64789  
ninety-first day after this act is filed with the Secretary of 64790  
State. If, however, a referendum petition is filed against the 64791  
amendments, the amendments, unless rejected at the referendum, 64792  
take effect at the earliest time permitted by law. 64793

(B) The amendment to division (H)(3)(a) of section 5111.20 of 64794  
the Revised Code is not subject to the referendum. Therefore, 64795  
under Ohio Constitution, Article II, Section 1d and section 1.471 64796  
of the Revised Code, the amendment goes into immediate effect. 64797

**Section 821.13.** (A) Except as otherwise provided in division 64798  
(B) of this section, the amendments by this act to section 64799  
5126.046 of the Revised Code are not subject to the referendum. 64800  
Therefore, under Ohio Constitution, Article II, Section 1d and 64801  
section 1.471 of the Revised Code, the amendments go into 64802  
immediate effect. 64803

(B) The amendments to division (A) and the third paragraph of 64804  
division (B) of section 5126.046 of the Revised Code are not 64805  
subject to the referendum. Therefore, under Ohio Constitution, 64806  
Article II, Section 1d and section 1.471 of the Revised Code, the 64807  
amendments take effect July 1, 2007. 64808

**Section 821.15.** (A) Except as otherwise provided in division 64809  
(B) of this section, the amendments by this act to section 64810  
5126.055 of the Revised Code are subject to the referendum. 64811  
Therefore, under Ohio Constitution, Article II, Section 1c and 64812

section 1.471 of the Revised Code, the amendments take effect on 64813  
the ninety-first day after this act is filed with the Secretary of 64814  
State. If, however, a referendum petition is filed against the 64815  
amendments, the amendments, unless rejected at the referendum, 64816  
take effect at the earliest time permitted by law. 64817

(B) The amendment to section 5126.055 of the Revised Code 64818  
that strikes through "5123.16" and inserts "5123.161" is not 64819  
subject to the referendum. Therefore, under Ohio Constitution, 64820  
Article II, Section 1d and section 1.471 of the Revised Code, the 64821  
amendment goes into immediate effect. 64822

**Section 821.16.** (A) Except as otherwise provided in division 64823  
(B) of this section, the amendments by this act to section 64824  
5126.057 (5126.0511) of the Revised Code are not subject to the 64825  
referendum. Therefore, under Ohio Constitution, Article II, 64826  
Section 1d and section 1.471 of the Revised Code, the amendments 64827  
take effect July 1, 2007. 64828

(B) The amendments to relettered division (A)(2) and (A)(4) 64829  
of section 5126.057 of the Revised Code are not subject to the 64830  
referendum. Therefore, under Ohio Constitution, Article II, 64831  
Section 1d and section 1.471 of the Revised Code, the amendments 64832  
go into immediate effect. 64833

**Section 821.17.** (A) Except as otherwise provided in division 64834  
(B) of this section, the amendments by this act to section 5126.18 64835  
of the Revised Code are not subject to the referendum. Therefore, 64836  
under Ohio Constitution, Article II, Section 1d and section 1.471 64837  
of the Revised Code, the amendments go into immediate effect. 64838

(B) The amendments to division (H) of section 5126.18 of the 64839  
Revised Code are not subject to the referendum. Therefore, under 64840  
Ohio Constitution, Article II, Section 1d and section 1.471 of the 64841  
Revised Code, the amendments take effect July 1, 2007. 64842

**Section 821.18.** (A) Except as otherwise provided in division 64843  
(B) of this section, the amendments by this act to section 5727.87 64844  
of the Revised Code provide for or are essential to implementation 64845  
of a tax levy. Therefore, under Ohio Constitution, Article II, 64846  
Section 1d, the amendments are not subject to the referendum and 64847  
go into immediate effect when this act becomes law. 64848

(B) The amendment to division (A)(2)(b) of section 5727.87 of 64849  
the Revised Code is subject to the referendum. Therefore, under 64850  
Ohio Constitution, Article II, Section 1c and section 1.471 of the 64851  
Revised Code, the amendment takes effect on the ninety-first day 64852  
after this act is filed with the Secretary of State. If, however, 64853  
a referendum petition is filed against the amendment, the 64854  
amendment, unless rejected at the referendum, takes effect at the 64855  
earliest time permitted by law. 64856

**Section 821.21.** If the amendment or enactment in this act of 64857  
a codified or uncodified section of law is subject to the 64858  
referendum, the corresponding indications in the amending, 64859  
enacting, or existing repeal clauses commanding the amendment or 64860  
enactment also are subject to the referendum, along with the 64861  
amendment or enactment. If the amendment or enactment by this act 64862  
of a codified or uncodified section of law is not subject to the 64863  
referendum, the corresponding indications in the amending, 64864  
enacting, or existing repeal clauses commanding the amendment or 64865  
enactment also are not subject to the referendum, the same as the 64866  
amendment or enactment. 64867

**Section 824.03.** The General Assembly, applying the principle 64868  
stated in division (B) of section 1.52 of the Revised Code that 64869  
amendments are to be harmonized if reasonably capable of 64870  
simultaneous operation, finds that the following sections, 64871  
presented in this act as composites of the sections as amended by 64872  
the acts indicated, are the resulting versions of the sections in 64873

effect prior to the effective date of the sections as presented in	64874
this act:	64875
Section 109.572 of the Revised Code as amended by both Am.	64876
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly.	64877
Section 111.18 of the Revised Code as amended by both Am.	64878
Sub. H.B. 94 and Am. Sub. S.B. 74 of the 124th General Assembly.	64879
Section 323.153 of the Revised Code as amended by both Am.	64880
H.B. 595 and Am. Sub. H.B. 672 of the 123rd General Assembly.	64881
Section 711.131 of the Revised Code as amended by both Sub.	64882
H.B. 231 and Sub. S.B. 115 of the 125th General Assembly.	64883
Section 2921.42 of the Revised Code as amended by both Sub.	64884
H.B. 150 and Am. Sub. H.B. 285 of the 120th General Assembly.	64885
Section 3301.0714 of the Revised Code as amended by Am. Sub.	64886
H.B. 79, Am. Sub. H.B. 137, Am. Sub. H.B. 276, and Am. Sub. H.B.	64887
530 of the 126th General Assembly.	64888
Section 3313.64 of the Revised Code as amended Am. Sub. H.B.	64889
137, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 238 of	64890
the 126th General Assembly.	64891
Section 3317.03 of the Revised Code as amended by both Am.	64892
Sub. H.B. 79 and Am. Sub. H.B. 699 of the 126th General Assembly.	64893
Section 5107.05 of the Revised Code as amended by Am. Sub.	64894
H.B. 283, H.B. 471, and Sub. S.B. 245, all of the 123rd General	64895
Assembly, and Am. Sub. H.B. 66 of the 126th General Assembly.	64896
Section 5705.31 of the Revised Code as amended by both Sub.	64897
H.B. 129 and Am. Sub. S.B. 5 of the 124th General Assembly.	64898
Section 5748.01 of the Revised Code as amended by both Sub.	64899
H.B. 73 and Am. Sub. H.B. 699 of the 126th General Assembly.	64900
Section 5748.02 of the Revised Code as amended by both Am.	64901
Sub. H.B. 3 and Am. Sub. H.B. 530 of the 126th General Assembly.	64902

The finding in this section takes effect at the same time as 64903  
the section referenced in the finding takes effect. 64904